

W.M.P.No.20679 of 2019
in
W.P.No.14283 of 2019

C.V.KARTHIKEYAN, J.,
and
KRISHNAN RAMASAMY, J.,

This petition has been filed seeking permission to sell the Tipper Lorry bearing Registration No.TN 52 A 0776 which has been seized and to modify the earlier order passed by this Court in W.P.No.14283 of 2019 dated 15.05.2019.

2. The learned counsel for the petitioner states that since the petitioner is in financial difficulty, permission may be granted to dispose / sell the vehicle, which has been seized and for which a bond has been executed to produce the vehicle as and when required before the Special Magistrate Court for Mines and Minerals.

3. We are of the considered view, that alienation of the vehicle at this stage may not be possible. A request of this nature must be made only before the concerned Magistrate Court, who, on examination of the averments and on being satisfied with reasons given, must direct the concerned Road Transport Officer to value the seized vehicle and then direct the petitioner to either deposit the value of the vehicle in cash /

furnish Bank guarantee for the value of the vehicle / provide equivalent security for the said value, before the Magistrate Court.

4. In cases where similar requests are not made before the Magistrate, then, at the time of passing the final orders in the criminal case, the Magistrate must pass appropriate orders relating to the case property.

5. It is informed before us that Special Courts have been formed. Consequently, it may not be proper to fix any time frame for disposal of such application, particularly, taking into consideration the initial teething process which any new Court will face. At any rate, if a Special Court is formed then it is hoped that matters of this nature would be decided at the earliest, particularly, in view of the fact that the value of the vehicle would naturally depreciate by efflux of time.

6. In all these matters where similar requests are sought, we make it clear that such requests can be made only before the Magistrate Court which can pass necessary orders directing the Road Transport Officer to fix the value of the vehicle and directing the petitioner to deposit the value of the vehicle in cash / furnish Bank guarantee for the said amount / provide

equivalent security for the said value. If such requests are not made, the Magistrate can pass appropriate orders relating to the seized vehicles at the time of passing the final order of the criminal case.

7. In the instant case, the petitioner herein is relegated to the concerned Magistrate Court. If the value of the vehicle is determined, the sum equivalent to such vehicle must be deposited to the credit of the criminal case in the special Court or the petitioner must furnish bank guarantee / provide security of equal value .The cash deposit / bank guarantee / security shall await the result of the criminal case.

8. Accordingly, the petition stands disposed of.

(C.V.K.J.,) (K.R.J.,)

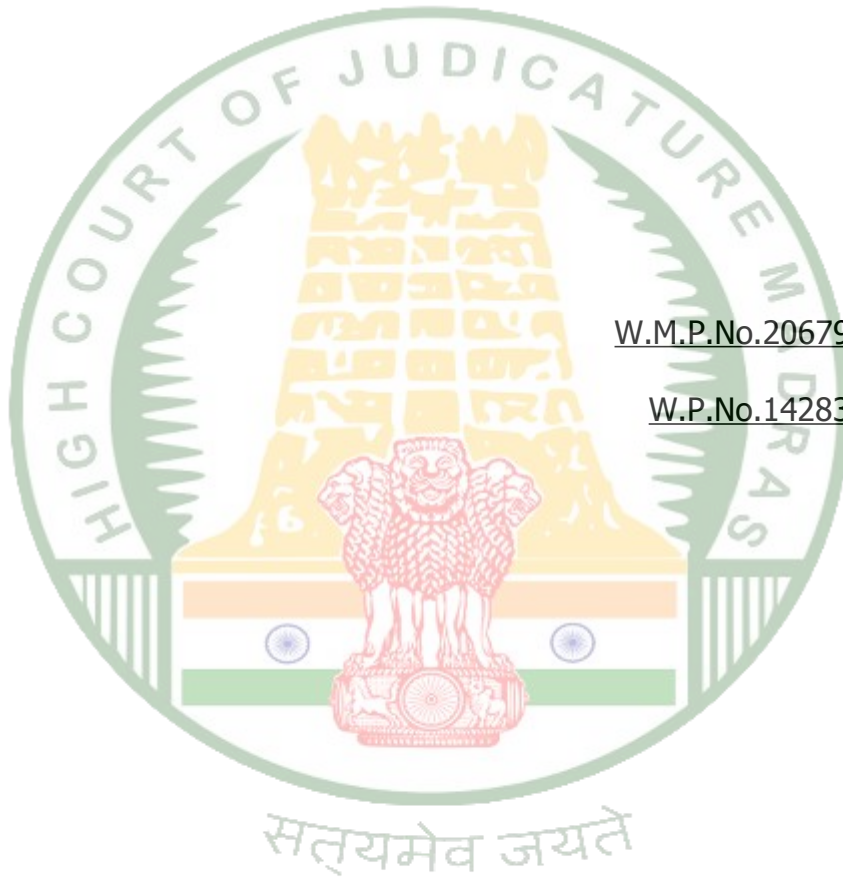
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