

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.3716 of 2020

ORDER:

The present writ petition is filed to declare the action of the respondents in illegally seizing the petitioner's vehicle, Eicher Pro 1110H CAB & HSD, bearing registration No.MH 40 BG – 1098, under the cover of FIR No.11 of 2020, dated 10.02.2020, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

3. Learned Assistant Government Pleader for Home, on written instructions, dated 25.02.2020, submits that, on 10.02.2020 at 20.00 hours, one Kummari Satyanarayana submitted a petition before the Station House Officer, Shivampet, wherein it is stated that, on the said date, at about 05.30 hours, when his brother's son, K.Srinivas, after completing his work, returning home on Glamour bike, bearing registration No.TS 35 A 8003, after crossing Suguna Company, one unknown vehicle, coming from Narsapur side, dashed his vehicle, due to which, he sustained fracture to his right leg and also sustained bleeding injuries on his head and shoulder, and on that, a case was registered in Crime No.11 of 20290 for the offence under Section 338 IPC on the file of Shivampet Police Station, on 10.02.2020. By the said written instructions, it is also stated that during the course of investigation, L.Ws.1 to 3 were examined and their statements were recorded, visited the scene of offence and found the number plate of the vehicle lying at the scene of offence bearing registration No.MH 40 BG 1098. Upon noticing the number plate lying at the scene of offence, the investigation was done,

wherein it is disclosed that the driver of the said vehicle has dashed the complainant's brother's vehicle, as such, the authorities seized the vehicle on 13.02.2020 under the cover of panchanama, wherein it is noted that at the rear side of the said vehicle, there is evidence of the said vehicle being dashed. It is submitted that the said vehicle was deposited before the learned Judicial First Class Magistrate, Narsapur, on 25.02.2020 and the case is under investigation. Copies of the aforestated written instructions along with seizure panchanama and photographs depicting the accident are placed on record.

4. Since the vehicle, bearing registration No.MH 40 BG 1098, involved in the above accident is seized under the cover of panchanama and having been deposited before the learned Judicial First Class Magistrate, Narsapur, on 25.02.2020, it is open for the petitioner to approach the learned Judicial First Class Magistrate, Narsapur, seeking release of the said vehicle.

5. Subject to the above observation, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

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JUSTI CE T.VI NOD KUMAR

Date:28.02.2020

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