

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 32064 OF 2024

Between:

Manoj Hiraji Jondhalkar, S/o. Hiraji Jondhalkar, Age. 38 years, Occ. Owner of Vehicle (Owner of the Vehicle bearing No. MH-34-AV-1314) R/o. BTS Plot, Shivaji ward, Ballarpur, Chandrapur, Maharashtra.

...PETITIONER

AND

1. The State of Telangana, Rep., by its Principal Secretary, Home Department, Secretariat, BRKR Bhavan, Hyderabad, TS.
2. The Superintendent of Police, Kothagudem, Bhadradi Kothagudem District.
3. The Station House Officer, Chunchupalli Police Station, Bhadradi Kothagudem District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not releasing the vehicle of the petitioner i.e., Ashok Leyland (Lorry) bearing No. MH-34- AV-1314, with Chassis No. MB1NACFD2GDT1951, Engine No. GDPZ111776, which was seized in Crime No. 142/2024, dated 24-10-2024, of SHO, Chuchupalli Police Station, Bhadradi Kothagudem District, as illegal, arbitrary, abuse of process of law, violation of principles of natural Justice and contrary to the provisions of law and consequently direct the 2nd and 3rd respondent to release the petitioner vehicle i.e., Ashok Leyland (Lorry) bearing No. MH-34-AV-1314, with Chassis No. MB1NACFD2GDT1951, Engine No. GDPZ111776, which was seized in Crime No.

142/2024, dated 24-10-2024, of SHO, Chuchupalli Police Station, Bhadradi Kothagudem District, in the interest of Justice.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the direct the 2nd and 3rd respondent to release the petitioner vehicle i.e., Ashok Leyland (Lorry) bearing No. MH-34-AV-1314, with Chassis No. MB1NACFD2GDT1951, Engine No. GDPZ111776, which was seized in Crime No. 142/2024, dated 24-10-2024, of SHO, Chuchupalli Police Station, Bhadradi Kothagudem District, in the interest of Justice pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI YADIAH BODDUPALLY

Counsel for the Respondents: SRI B. SRIDHAR, AGP FOR HOME

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.32064 OF 2024

ORDER:

This writ petition is filed by the petitioner to declare the action of respondent No.3 - Station House Officer, Chunchupalli Police Station, Bhadradi Kothagudem District, in not releasing his vehicle i.e., Ashok Leyland (lorry) bearing No.MH-34-AV-1314 seized in Crime No.142 of 2024 of Chunchupalli Police Station, as being arbitrary and unconstitutional.

2. Mr. B. Sridhar, learned Assistant Government Pleader for Home, produced written instructions and submitted that on 24.10.2024, respondent No.3 received a complaint from one Maloth Padma, wherein it is stated that on 20.10.2024, while her husband along with their relatives were proceeding in an auto trolley bearing No. TS 28 TA 1332 and when they reached near bypass near Chunchupalli, the lorry bearing No.MH 34 AV 1314 driven by the petitioner in a wrong route in a rash and negligent manner dashed the auto trolley, resulting in grievous injuries to the complainant's husband and also their relatives. Based on the said complaint, Crime No.142 of 2024 was registered for the offence under Section 125(a) of BNS, 2023 and investigation is taken up. As a part of investigation, respondent No.3 seized the lorry of the petitioner and deposited the same before the

II-Additional Judicial Magistrate of First Class, Kothagudem, which was in turn handed over to respondent No.3 for safe custody.

3. As it is stated that the vehicle of the petitioner was deposited before the II-Additional Judicial Magistrate of First Class, Kothagudem, the writ petition is disposed of granting liberty to the petitioner to file an appropriate application before the II-Additional Judicial Magistrate of First Class, Kothagudem, for release of his vehicle; on such application being filed, the learned Magistrate shall pass orders thereon, in accordance with law, within a period of three (03) days thereafter. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition stand closed.

**SD/- L. LAKSHMI BABU
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat, BRKR Bhavan, The State of Telangana, Hyderabad, TS.
2. The Superintendent of Police, Kothagudem, Bhadradi Kothagudem District.
3. The Station House Officer, Chunchupalli Police Station, Bhadradi Kothagudem District.
4. One CC to Sri Yadaiah Boddupally, Advocate [OPUC]
5. Two CCs to GP for Home, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

T J
GJP

HIGH COURT

DATED:25/11/2024

ORDER

WP.No.32064 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

9
4.12
25/12/24