
(2010) 09 SHI CK 0165
In the High Court Of Himachal Pradesh
Case No : Criminal Revision No. 64 of 2010

Ashok Kumar

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 09-09-2010

Acts Referred:

Citation : (2010) 09 SHI CK 0165

Hon'ble Judges : Dev Darshan Sood, J

Bench : Single Bench

Judgement

Dev Darshan Sud, J.—The petitioner is aggrieved by the order passed by learned Sessions Judge, Una directing the disposal of the seized vehicle bearing registration No. NL-08B-0088 by public auction.

2. The dispute between the parties to this petition relates to loan having been advanced by the Kangra Central Co-operative Bank Ltd. to the petitioner herein. The amount claimed is Rs. 6,00,000/-.

3. I do not find that the order passed by the learned Sessions Judge can be sustained. What is required is the protection of the interest of the Kangra Central Co-operative Bank. This could have been done in case a direction was issued to the petitioner herein to furnish solvent security to the satisfaction of the Court equivalent to the amount of the loan advance. This order is necessitated more so by the fact that in case the petitioner plies the vehicle, he will be able to earn/re-pay the loan amount, if any, due.

4. In these circumstances, the order passed by the learned Sessions Judge is quashed and set aside. A direction is issued that the petitioner shall furnish solvent security in the sum of Rs. 7,00,000/- to the satisfaction of the Judicial Magistrate, Ist Class, Court No. 1, Una. It will be open to the bank to urge that the security furnished is not solvent/adequate for which purpose it may file objections if any and which shall be adjudicated by the court in accordance with law. The petitioner shall undertake that in case a decision adverse to him is

rendered by the court, the security amount shall be payable to the Bank forthwith. This shall be in addition to any amount which the Bank be claimed in any civil proceedings arising out of the same transaction. On the acceptance of such security, the vehicle which is now lying with the police shall be released to the petitioner. The petition is disposed of.