

(2003) 05 AHC CK 0279

In the Allahabad High Court

Case No : Criminal Miscellaneous Application No. 3758 of 2003

Baij Nath Prajapati

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 28-05-2003

Acts Referred:

Motor Vehicles Act, 1988 — Section 207(1), 207(2)

Citation : (2003) 5 AWC 3982

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : S.K. Dubey, for the Appellant; A.G.A., for the Respondent

Judgement

Rakesh Tiwari, J.—Heard the counsel for the applicant and the A.G.A.

2. The applicant has filed the present petition u/s 482, Cr. P.C. against the orders dated 10.12.2002 and 4.2.2003 passed by the court-below in Misc. Case No. 52 of 2003, State v. Baij Nath Prajapati, u/s 207 of the Motor Vehicle Act, P.S. Line Bazar, district Jaunpur, by which it has refused to release the vehicle-Maxi Cab Jeep No. WS 20-B : 0332 in favour of the applicant.

3. The applicant is a registered owner of the vehicle. The alleged Maxi Cab Jeep of the applicant was seized by the Assistant Regional Transport Officer (Enforcement) Jaunpur on 19.11.2002.

4. u/s 207(2) of the Motor Vehicles Act, 1988, it is provided that :

(2) Where a motor vehicle has been seized and detained under Sub-section (1), the owner or person in charge of the motor vehicle may apply to the transport authority or any officer authorised in this behalf of the State Government together with the relevant documents for the release of the vehicle and such authority or officer may, after verification of such documents, by order release the vehicle subject to such conditions as the authority or officer may deem fit to impose.

5. In *Sunderbhai Ambalal Desai v. State of Gujarat* 2003 (46) ACC 223, the Apex Court has held that it is no use to keep the seized vehicles for a long period. They may be released immediately after taking appropriate security, if not required at that point of time.

6. In view of the aforesaid decisions, facts and law, it would be expedient in the interest of justice that the A.R.T.O., Jaunpur, is directed to consider and pass appropriate order on the application of the applicant for releasing the vehicle Maxi Cab Jeep No. WE: 20-B: 0332 after deposit of adequate security except cash or bank guarantee to the satisfaction of the A.R.T.O. within a period of two weeks from the date of filing of the application by the applicant.

7. With the aforesaid directions, the petition is disposed of finally.