
(2020) 07 RAJ CK 0209

In the Rajasthan High Court

Case No : Criminal Miscellaneous (Petition) No. 2408 Of 2020

Ramawatar Meena And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-07-2020

Acts Referred:

Citation : (2020) 07 RAJ CK 0209

Hon'ble Judges : Sanjeev Prakash Sharma, J

Bench : Single Bench

Advocate : Avadesh Kumar Purohit, Sher Singh Mahla

Final Decision : Disposed Of

Judgement

Learned counsel for the petitioners submits that vehicles, which are involved in the incident, deserve to be released as it would get rusted and spoiled, if they remain in the police custody.

I have considered the submissions as above. In the case of Sunderbhai Ambalal Desai & Ors. Versus State of Gujarat: (2002) 10 SCC 283, the Apex

Court has made observations with regard to the conditions, which should be laid down for release of different goods/vehicles. It has also been

observed that no purpose would be served in letting vehicle remained in the police custody as they get rusted and therefore, the conditions may be laid down for releasing of the same.

This Court has also taken a similar view in a batch of Criminal Misc. Petitions lead case being S.B. Criminal Misc. Petition No.2723/2019: Asharam

Versus State of Rajasthan, on 3.2.2020 along with other connected petitions.

Keeping in view the above, this petition is disposed of with the following terms:

a) The concerned Police Station shall release the offending vehicles - Tractor bearing Registration No.RJ-47-RA-2361 with Trolley to the person(s), who is the registered owner(s) of the said vehicles.

b) A personal security of an amount of Rs.2,00,000/- (Rs.1,00,000/- for Tractor and Rs.1,00,000/- for Trolley) to the satisfaction of the concerned

Court to which the concerned Police Station is attached, shall be submitted by the petitioner(s) for the purpose of release of the vehicles.

c) The petitioner(s) shall furnish the photographs of the vehicles showing their numbers and colour etc.

d). At the time of release, the petitioner(s) shall also give an undertaking to the effect that vehicles shall not be used for any illegal purpose and if so found, the concerned owner shall be personally liable.