

(2016) 08 KAR CK 0052
In the Karnataka High Court
Case No : Criminal Petition No.5859 of 2016

Sri Prakash

APPELLANT

Vs

State of Vijayanagar Police Station

RESPONDENT

Date of Decision : 18-08-2016

Acts Referred:

Karnataka Land Revenue Act, 1964 — Section 70

Citation : (2016) 4 KCCR 2884

Hon'ble Judges : Anand Byrareddy, J.

Bench : Single Bench

Advocate : Shri Sridhar A.G. Advocate, for the Petitioner; Shri Chetan Desai, Government Pleader, for the Respondent

Final Decision : Disposed Off

Judgement

Anand Byareddy, J. - The present petition is filed on a limited circumstance that the petitioner's lorry which had been seized on the allegation of having transported sand illegally, has been released in his favour subject to several conditions, one of which was that the petitioner should furnish a bank guarantee for a sum of Rs. 10,00,000/- apart from executing an indemnity bond for a sum of Rs. 10,00,000/- and to furnish a surety for a like sum.

2. It is on record that the lorry in question has been hypothecated with the financier and therefore it is unlikely that the petitioner would be in a position to dispose of the vehicle during the tenure of the said hypothecation. Further, since the execution of the indemnity bond and surety bond is also satisfied, the further condition prescribed to furnish a bank guarantee for a sum of Rs.10,00,000/- is onerous and therefore, the petitioner shall be permitted to furnish yet another surety for a like sum of Rs. 10,00,000/- which would sufficiently safeguard the interest of justice.

Accordingly, the condition No.2 imposed by the Court below stands modified that instead of Bank guarantee for a sum of Rs.10,00,000/-, the petitioner shall

furnish yet another surety for a sum of Rs.10,00,000/-. The other conditions remain intact.