

(2021) 08 TEL CK 0001
In the Telangana High Court
Case No : Writ Petition No. 17858 Of 2021
Thurpati Venkatesh Vs State Of Telangana

Date of Decision : 02-08-2021

Acts Referred:

Essential Commodities Act, 1955 — Section 6A

Citation : (2021) 08 TEL CK 0001

Hon'ble Judges : T. Amarnath Goud, J

Bench : Single Bench

Advocate : Mohd Arifwali

Judgement

1. With the consent of learned counsel for the petitioner and learned Government Pleader for Home, the writ petition is disposed of at the admission stage.

2. Aggrieved by the action of the respondents in seizing the petitioner's vehicle bearing No.AP-11-W-8401 in connection with Crime No.295 of 2021 of P.S.Siddipet (Rural), on the ground that the vehicle was used for illegal transportation of PDS rice, the present writ petition is filed.

3. As fairly submitted by learned Counsel for petitioner and learned Government Pleader, enquiry under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') and prosecution in the crime is yet to commence.

4. Enquiry under Section 6-A of the Act and investigation/prosecution into the crime registered against the petitioner may take considerable time.

Meanwhile, as the vehicle is kept in the open yard exposed to sun and other weather conditions and kept idle, road worthiness of the vehicle may be severely affected. At the same time, as the vehicle is involved in a crime and violated statutory regulations, it cannot be handed over to the owner

even before proceedings are concluded. Such course may bolster the offender to commit further offences and is not in public interest. In the circumstances, the Court has to balance respective claims and take due note of public interest. In the given facts, Court is inclined to opt a middle path.

5. In view of the same and having regard to the facts and circumstances of the case, without expressing any opinion on merits, the writ petition is disposed of directing the 4th respondent/Station House Officer, Siddipet (Rural) Police Station, Siddipet District, as the case may be, to release the vehicle after obtaining the valuation certificate from the concerned MV Inspector, subject to following conditions :

- (a) The petitioner shall furnish fixed deposit receipt as proof of opening of fixed deposit account for an amount valued by the concerned MV Inspector or bank guarantee for the equal sum;
- (b) he shall furnish an undertaking in writing that he will not alienate or change the physical features of the vehicle;
- (c) he shall produce the vehicle whenever required;
- (d) he shall furnish the copies of R.C. Book of the vehicle and driving licence of the driver;
- (e) the 4th respondent-Station House Officer shall write to the RTA authorities not to entertain any application to transfer the vehicle in question on any third party's name without clearance from the Civil Supplies Department;
- (f) the release of the vehicle shall be subject to the orders to be passed in the enquiry under Section 6-A of the Act/prosecution of Crime No.295 of 2021 of P.S.Siddipet (Rural).

Pending miscellaneous petitions, if any, shall stand closed.