

HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**Writ Petition No.24386 of 2020****ORDER:**

Aggrieved by the condition imposed by the Superintendent of Police, Srikakulam, in his order dated 20.11.2020, to furnish Fixed Deposit Receipt for an amount equal to the market value fixed by the Motor Vehicle Inspector for the vehicle that was seized in connection with Crime No.338 of 2020 of Kothuru Police Station, Srikakulam District, to release the seized vehicle, this Writ Petition under Article 226 of the Constitution of India is filed by the petitioner.

2. Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

3. A case in Crime No.338 of 2020 was registered by Kothuru Police, Srikakulam District, for the offence punishable under Section 34(1) of the A.P. Excise Act. Incidentally, police have seized car bearing Registration No.AP39 FC 5670 in connection with the said crime. The petitioner, who is claiming to be the owner of the vehicle, filed a petition before the Superintendent of Police, Srikakulam District, seeking interim custody of the said vehicle. The said petition was allowed on condition that the petitioner shall furnish a Fixed Deposit Receipt for an amount equal to the market value fixed by the Motor Vehicle Inspector for release of the vehicle.

4. Aggrieved by the said condition, the present Writ Petition is filed seeking modification of the same.

5. At the time of hearing of this Writ Petition, both the learned counsel for the petitioner and the learned Government Pleader for Home would submit that this is a covered matter and when similar condition was imposed for release of the vehicles and the same was questioned before this Court in W.P.No.14783 of 2020, this Court allowed the said Writ Petitions on 08.09.2020, and modified the condition permitting the petitioners therein to furnish immovable property as security for release of the vehicles. Therefore, they would submit that the petitioner herein is also entitled to the similar order.

6. Therefore, in view of the aforesaid order of this Court in W.P.No.14783 of 2020, dated 08.09.2020, this Writ Petition is allowed. The above condition is accordingly modified and the petitioner herein is directed to furnish his or third party immovable property for an amount equal to the market value fixed by the Motor Vehicle Inspector towards value of the vehicle that was seized, as security for release of the said vehicle. The said security relating to the immovable property shall be in conformity with the Stamps and Registration Act. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date:21.12.2020.

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