

Atamjit Singh Vs. State of Rajasthan

Atamjit Singh Vs. State of Rajasthan

SooperKanoon Citation : sooperkanoon.com/763206

Court : Rajasthan

Decided On : Aug-11-1988

Reported in : 1988WLN(UC)186a

Judge : Vinod Shanker Dave, J.

Appeal No. : S.B. Cr. Misc. Petition No. 684 of 1988

Appellant : Atamjit Singh

Respondent : State of Rajasthan

Judgement :

V.S. Dave, J.

1. This Court has said in several cases that while passing orders for delivery of the vehicle particularly in the accident cases where there is no question of confiscation of the vehicle the Court should not place such onerous conditions which would make the delivery almost impossible. The learned Magistrate has directed that the petitioner should furnish two Bank Guarantees in the sum of Rs. 1.5 lacs each which would mean that the petitioner should first have this much amount to deposit in the Bank for obtaining Bank Guarantee, which in other words would mean frustrating the very purpose of the order. Thus, keeping in view the decision of this court in 1987 RCC 332 and 1985 RLR 376, I deem it proper to modify the order consequently the petition is allowed, the order is modified to the extent that the

vehicle shall be released on an undertaking given by the person authorised to do so and giving a surety in the amount of Rs. 1.5 lacs to the satisfaction of the trial court and on placing on record colour photographs in triplicate of Truck No. DEL 5967. The photographs shall be taken in the presence of Investigating Officer and would clearly indicate the Registration number and chasis number of the vehicle. The vehicle shall only be disposed of after taking permission of the court concerned.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com