

Vijay Bahadur Singh

Vs

State of U. P.

Criminal Appeal No. 410 of 1974

(V. R. Krishna Iyer, R. S. Sarkaria JJ )

21.01.1975

ORDER

KRISHNA IYER, J. –

1. The appellant is the owner of a truck UPZ 3653. The vehicle was seized by the police in connection with an offence under Section 399 and 402, I.P.C. on December 20/21, 1973. For the release of the truck, the appellant moved the Sub-Divisional Magistrate who had jurisdiction, but that application was rejected. Subsequently, he moved in revision the Sessions Court for the same relief whereupon the Sessions Judge reported the case for decision of the High Court under Section 438 Cr. P.C. The High Court, after hearing the parties, directed release of the truck on the appellant furnishing a cash security of Rs. 50,000 and a personal bond in a sum of Rs. 25,000. This order is attacked in the present appeal.

2. After hearing Counsel, on a suggestion from Court, both sides agree that the interests of justice (that is, the availability of the vehicle at the time of the trial for purposes of evidence) require that the truck be released to the petitioner on condition that he deposits Rs. 10,000 in cash before the Sub-Divisional Magistrate, Gyanpur, and enters into a personal bond for Rs. 25,000. The release will be on the following conditions :

(a) that the appellant gives an undertaking that the colour and vital parts of the truck will remain intact as they are; and

(b) that the vehicle shall be in the control and custody of the appellant and shall not in any manner be alienated by him.

If the appellant commits a breach of any of the conditions aforesaid, the truck shall be liable to be taken into custody by the police who will preserve it for production in the court in seisin of the criminal case according to directions from court. Ordered accordingly.

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