

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Revision No.945 of 2019**

Ujjwal Kumar ..... **Petitioner**

**Versus**

The State of Jharkhand ..... **Opp. Party**

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**CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA**

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For the Petitioner : Mr. Shree Nivas Roy, Advocate

For the State : Mr. S. K. Srivastava, A.P.P

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**06/Dated: 25<sup>th</sup> June, 2020**

1. This revision has been preferred against the order dated 12.12.2018, passed by the court of learned C.J.M., Chatra, whereby the prayer for release of Auto Piaggio Pickup No.JH01CG-6720, in favour of the petitioner has been rejected.

2. Learned counsel for the petitioner has submitted that the petitioner is the registered owner of the aforesaid vehicle which was plied for transportation of goods and Rakesh Paswan was employed as a driver of the vehicle. The dead body of the driver was found lying in the jungle whereafter, Tandwa P.S. Case No.74 of 2017 was registered under Sections 392, 302/ 201 read with Section 34 of the Indian Penal Code and the vehicle was seized by the police

Learned counsel has relied on the decision of ***Sunderbhai Ambala Desai Vs. State of Gujarat; (2002)10 SCC 283*** and submitted that the court below has rejected the prayer for releasing the vehicle in favour of the petitioner without appreciating the settled proposition as laid down by the Supreme Court in the aforesaid decision, that commercial vehicle should not be kept for a longtime in police custody.

3. Learned A.P.P., has opposed and submitted that no documents were filed by the petitioner in proof that the vehicle was registered in his name.

4. Heard. It is necessary to state that if vehicles are kept in an uncared manner under the open sky without proper care in the premises of police station, it will result in rusting and destruction of the vehicle due to the vagaries of weather. Hence, keeping of the vehicle in police custody for a long period will not serve any purpose rather it will cause loss to

the owner as also loss of revenue to the state exchequer due to non-liance of the commercial vehicle.

On perusal of the impugned order it appears that the petitioner had not filed any documents or paper in proof of his being registered owner of the seized Auto Piaggio (Pickup) No.JH01CG-6720. The petitioner is at liberty to file appropriate application under Section 451 Cr.P.C, along with relevant documents in proof of his being the registered owner of the aforesaid commercial vehicle.

If the documents are so filed then the court below shall call for a verification report from the District Transport Officer and the Investigating Officer regarding genuinity and authenticity of the documents. If the report is submitted in favour of the petitioner, the court below shall release the aforesaid vehicle to the petitioner on his furnishing an indemnity bond equivalent to the value of the vehicle with two sureties of the like amount each. The court below is at liberty to impose any other terms and conditions, which it deem fit and proper.

5. With the said direction, the revision application is, hereby, allowed.

6. Let a copy of this order be communicated to the court below.

**(AMITAV K. GUPTA, J.)**

Chandan/-