

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.3463 of 2003

ORDER:

The order dated 18.6.2002 passed by the 1st respondent in Crime No.148/2001-2002 is the subject matter of this writ petition. By the order impugned the 1st respondent ordered release of the vehicle on the petitioner furnishing a bank guarantee/F.D.R. from a Nationalised bank for the value of the vehicle as assessed by the concerned Motor Vehicle Inspector. The concerned Motor Vehicle Inspector assessed the value of the vehicle as Rs.1,50,000/-. The writ petition is filed contending that the valuation made by the Motor Vehicle Inspector is on the higher side and since the petitioner has purchased the vehicle in question only for Rs.70,000/-, the vehicle has to be released on the petitioner furnishing a third party guarantee for Rs.70,000/- and the order passed by the 1st respondent directing the petitioner to furnish bank guarantee/F.D.R for the value of the vehicle as assessed by the concerned Motor Vehicle Inspector is not sustainable.

The fact that the petitioner has purchased the vehicle for particular amount does not mean that the market value of the vehicle is the value for which it was purchased. For several reasons a person may sell the vehicle for a much lesser rate than the actual market rate of the vehicle. So the fact that the petitioner purchased the vehicle only for Rs.70,000/- under an agreement of sale by itself does not and cannot be a criterion for fixing the market value of the vehicle. In fact, a Division Bench of this Court in Writ Appeal No.420 of 2001 clearly held that the vehicle involved in excise offences can be released after the

petitioner who seeks such release furnishes a bank guarantee for the value of the vehicle as assessed by the concerned Motor Vehicle Inspector. The impugned order passed by the 1st respondent is perfectly in consonance with the order passed by a Division Bench of this Court in Writ Appeal No.420 of 2001. Therefore, I find no merit in this writ petition.

The writ petition is accordingly dismissed. No costs.

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27.2.2003

Gsn.