

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Petition No. 2419/2020

Girraj S/o Mojiram, Aged About 36 Years, R/o Dubbi Bidrakha, Tehsil And Dist. Sawai Madhopur, Raj. Through Power Of Attorney Holder, Sitaram S/o Hariram Meena, R/o Dubbi Bidrakha, Tehsil And Dist. Sawai Madhopur, Raj.

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Assistant Engineer (Mining Department), Tonk, Raj.

----Respondents

For Petitioner(s) : Mr. Praveen Kumar Jain

For Respondent(s) : Mr. Laxman Meena for the State

HON'BLE MRS. JUSTICE SABINA

Judgment / Order

30/06/2020

Petitioner has filed the petition challenging the order dated 20.06.2020 passed by the Court of Revision, whereby, direction has been issued to the petitioner to deposit Rs.1,00,000/- towards compounding fee at the time of release of his vehicle on superdari.

Learned counsel for the petitioner has submitted that the trial is still pending and it is only at the time of the decision of the trial, the trial court is determine as to whether the petitioner is required to deposit any compounding fee. However, before the decision of the trial, petitioner could not be directed to pay Rs.1,00,000/- towards compounding fee. It is yet to be determined by the trial court as to whether

petitioner was guilty of the offence alleged to have been committed by the petitioner. In support of his arguments, learned counsel has placed reliance on decision of this court in Asharam Vs. State of Rajasthan in S.B. Criminal Miscellaneous Petition No. 2723/2019 decided on 3.2.2020 along with other connected cases. Learned counsel has submitted that the present petition was liable to be disposed of in terms of the order dated 3.2.2020.

Keeping in view the facts and circumstances of the case, the petition is liable to be disposed of in terms of the decision given by this court in Asharam case (supra). Consequently, impugned order dated 20.06.2020 is set aside and it is directed as under:-

- a) The concerned Police Station shall release the tractor and trolley to the person, who is the registered owner of the vehicle alone.
- b) The release of the tractor and trolley shall be subject to the condition that the concerned owner shall get both the tractor and the trolley registered with the transport authorities and also obtain due permit within a period of one month from the date of release and deposit the copy with the concerned Police Station.
- c) A personal security of an amount of Rs.1,00,000/- to the satisfaction of the concerned Court to which the concerned Police Station is attached, shall be submitted for the purpose of release of the vehicle.
- d) The petitioners shall keep the vehicle so released intact and shall not change its identification. The petitioners

shall produce the vehicle as and when trial Court requires the same for proposed identification of the case property.

e) The petitioners shall furnish the photographs of the vehicle showing its number and colour etc.

f). At the time of release, the petitioners shall also give an undertaking to the effect that vehicle shall not be used for any illegal purpose and if so found, the concerned owner shall be personally liable.

Petition stands disposed of accordingly.

(SABINA),J

Mohita /19



सत्यमेव जयते