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CJ & AKJ:
08.06.2021

W.P.No.6435/2020
and connected matters

(Through Video Conferencing)

ORDER ON I.A.NO.11/2021 IN W.P.No.6435/2020

The State Government has filed this interlocutory application inviting the attention of the Court to what is stated in paragraph 3 of the affidavit filed in support of the application filed by Sri G.U.Somegowda, Deputy Superintendent of Police (Law).

In paragraph 3 of the affidavit, it is stated thus:

"3. I submit that the State Police as on 27.05.2021, in total, 36 Districts have seized totally 1,37,503 two wheelers, 7,432 four wheelers and 7,123 other vehicles. This Hon'ble Court may be pleased to extend the same Order of 30.04.2020 and permit the Jurisdictional Police Officers of respective Police Stations of the State to release the seized vehicles under Section 102(3) of Cr.P.C."

2. The learned Additional Advocate General relies upon the earlier order dated 30th April 2020 passed by this Court on I.A.No.9/2020 containing the identical reliefs. However, he points out that the relief in I.A.No.9/2020 was confined only to the limits of Bruhat Bengaluru Mahanagara Palike and now, the State is seeking a relief in respect of the entire State.

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3. We have perused the earlier order dated 30th April 2020 passed on I.A.No.9/2020. Considering the fact that 1,37,503 two wheelers, 7,432 four wheelers and 7,123 other vehicles have been seized in the entire State, it will be difficult for the police to find out a proper place for parking of so many vehicles. Moreover, the Courts of jurisdictional Magistrates will be overburdened if the owners of the vehicles apply separately for return of vehicles. Therefore, we propose to pass the same order which is passed in paragraph 10 of the order dated 30th April 2020 on I.A.No.9/2020 with a modification that in case of goods vehicles (except for three and four wheeler goods vehicles), the deposit amount will be of Rs.2,000/-.

4. Accordingly, we dispose of this application by passing the following order:

(i) In the event, the persons claiming to be the owners of the vehicles which have been seized for violation of various orders issued concerning COVID-19 make an application to the jurisdictional Police Officers to grant custody of the seized vehicles, after verification of the ownership of the applicants, it will be open for

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the jurisdictional Police Officers to give custody of the seized vehicles to the owners by exercising the powers under sub-section (3) of Section 102 of Cr.P.C. The jurisdictional Police Officers can exercise such power provided the owner of goods vehicle (other than three and four wheeler goods vehicle) is willing to deposit a sum of Rs.2,000/- with the police, the owner of four wheeler is willing to deposit a sum of Rs.1,000/- with the police and the owner of three wheeler or two wheeler is willing to deposit a sum of Rs.500/- with the police. These amounts will be treated as deposits and the same can be appropriated towards payment of fine, if ultimately fine is imposed on the owners. The custody of the vehicle can be handed over to the owners provided the owners execute a bond undertaking in terms of sub-section (3) of Section 102 of Cr.P.C with an additional undertaking not to commit the same breaches again;

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- (ii) Considering the prevailing conditions, we have passed this order in exercise of the powers under Article 226 of the Constitution of India. However, the prosecution of the alleged offenders will remain unaffected;
- (iii) We clarify that this order will apply across the State of Karnataka;
- (iv) We also make it clear that even in future, if vehicles are seized by the Police Officers for the similar breaches as set out in the order dated 30th April 2020, the custody of the vehicles can be handed over to the owners on the same terms and conditions.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**