

KADG010002252026



Presented on : 20-01-2026  
 Registered on : 20-01-2026  
 Decided on : 16-03-2026  
 Duration : 0 years, 1 months, 27 days

**IN THE COURT OF  
 II ADDL DISTRICT AND SESSIONS JUDGE DAVANGERE  
 AT DAVANGERE, DAVANGERE  
 (Presided Over by SRI. PRAVEEN KUMAR.R.N)  
CRL.R.P./2/2026**

**PETITIONER/S;**

B.Praveena S/o B.Mallikarjuna  
 Age: 34 years,  
 R/o: # 73/1, Tottia Matha, Kottur Town,  
 Vijayanagar District.

VERSUS

**RESPONDENT;**

State by Mayakonda Police  
 Represented by Public Prosecutor

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Sri.Prakash Patil Advocate appearing for Petitioner

Public Prosecutor appearing for Respondent

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**ORDER**

This revision petition is filed by the applicant, who is the owner of the vehicle, challenging the order passed by the Trial Court, whereby the Trial Court, while allowing the application

filed by the applicant for release of the vehicle, imposed a condition to furnish a bank guarantee or cash security for Rs.2,00,000/-.

2. In the revision petition, on going through the records, it is seen that the vehicle belonging to the applicant was uninsured. The driver, who is the accused, had parked the applicant's lorry bearing No. KA-51-A-4662 without taking any safety precautions. The brother of the informant, who was riding a motorcycle, dashed against the said lorry due to the negligence of the accused. As a result of the accident, the brother of the informant succumbed to the injuries sustained by him.

3. Further, the records reveal that after registering the case, the applicant's lorry was seized by the jurisdictional police. Thereafter, before the Trial Court, the applicant filed an application under Section 503 of BNSS seeking release of the vehicle on interim custody.

4. The records further show that the learned Assistant Public Prosecutor filed objections to the said application filed by the applicant/revision petitioner. The Trial Court allowed the application with certain conditions, including the second condition that the applicant/revision petitioner shall furnish a bank guarantee or deposit an amount of ₹2,00,000, along with

one surety for the like sum, within three months from the date of the order.

5. Now, the revision petitioner has approached this Court by filing the present revision petition seeking a direction to the Trial Court to relax the condition of furnishing a bank guarantee or depositing an amount of ₹2,00,000 for release of the vehicle.

6. After filing of the revision petition, notice was served on the respondents. The learned Public Prosecutor appeared and filed detailed objections stating that there is no illegality in the order passed by the Trial Court, and that the imposition of the second condition is proper and justified.

7. Heard the arguments placed by both sides. On going through the facts and circumstances of the case, the following points arise for consideration:

1) Whether the revision petitioner has made out sufficient grounds to interfere with the second condition imposed by the Trial Court while allowing his application?

2) What order?

8. My answer to the above points are as under :-

Point No.1 : In the Negative

Point No.2 : As per final order for the following;

### **REASONS**

9. **Point No.1:-** The records disclose that the vehicle belonging to the applicant had been seized by the jurisdictional police in connection with an accidental case wherein the rider of the motorcycle collided with the applicant's lorry, which was parked without taking proper precautions. Further, the records show that the rider of the motorcycle succumbed to the injuries sustained in the accident, and the case has been registered against the driver of the applicant's lorry.

10. During the course of arguments, the learned counsel for the revision petitioner contended that even though the Trial Court has allowed the application filed by the revision petitioner, it has imposed the second condition directing the revision petitioner to furnish a bank guarantee or to deposit an amount of ₹2,00,000, along with one surety for the like sum.

11. Further, the learned counsel contended that the applicant is coming from a poor background and is entirely dependent on the income derived from the said lorry. He further contended that the revision petitioner is ready to furnish sufficient surety; however, he is unable to furnish a bank guarantee or to deposit ₹2,00,000. On these grounds, the learned counsel prayed for a

direction to the Trial Court to relax the second condition of furnishing a bank guarantee or depositing ₹2,00,000. The learned counsel further submitted that the revision petitioner has now obtained insurance for the vehicle.

12. On the contrary, the learned Public Prosecutor contended that a very serious offence has been alleged against the accused, and the applicant/revision petitioner is the owner of the vehicle, which was not insured at the time of the accident. Further, the learned Public Prosecutor contended that the Trial Court has correctly relied upon the ratio laid down by the *Jay Prakash v. National Insurance Co. Ltd.* (2010), reported in (2010) 2 SCC 607, wherein the Hon'ble Supreme Court of India directed that at the time of releasing uninsured vehicles, the Court should direct the owner to furnish security or deposit an amount adequate to satisfy the award that may ultimately be passed.

13. Further, the learned Public Prosecutor contended that the Trial Court has imposed a condition to furnish a bank guarantee or deposit cash of ₹2,00,000, which is reasonable. He further argued that if at this stage itself the applicant/revision petitioner is unable to deposit ₹2,00,000, it raises doubt as to how he would satisfy the compensation that may be awarded to the legal heirs of the deceased in the MACT proceedings, particularly when the vehicle was uninsured at the time of the accident. On

these grounds, the learned Public Prosecutor prayed to dismiss the revision petition.

14. On this background, at this stage, it is clear from the records that at the time of the accident the vehicle belonging to the revision petitioner was uninsured, and a fatal accidental case has been registered. The rider of the motorcycle collided with the applicant's uninsured lorry, which was parked without taking proper precautions.

15. At this stage, it is evident that in the MACT proceedings, there is every likelihood of an award being passed in favour of the legal representatives of the deceased. Being the uninsured owner of the vehicle, the applicant/revision petitioner would be liable to satisfy the compensation.

16. On going through the order passed by the Trial Court, it is seen that the Trial Court has relied upon the ratio laid down in the aforesaid decision and directed the revision petitioner either to furnish a bank guarantee or to deposit ₹2,00,000 in cash along with surety for the like sum.

17. When the documents themselves show that the vehicle of the revision petitioner was uninsured and a serious case has been registered involving death, the contention that he is unable to deposit ₹2,00,000 raises doubt as to how he would satisfy the compensation that may be awarded in future.

18. Therefore, in order to avoid any future complications, the Trial Court has rightly directed the applicant/revision petitioner either to furnish a bank guarantee or to deposit ₹2,00,000, as per the second condition.

19. At this stage, the main ground urged by the revision petitioner is that he is coming from a poor background and is unable to furnish the bank guarantee or deposit ₹2,00,000 for the release of his vehicle, which was uninsured at the time of the accident. He has further contended that he has now obtained insurance and produced the documents.

20. However, at this stage it is clear that there is no illegality in the order passed by the Trial Court, as the Trial Court has followed the ratio laid down by the Hon'ble Supreme Court of India, which directs that while releasing uninsured vehicles, the Court should obtain adequate security or deposit to satisfy the award that may ultimately be passed.

21. It is also pertinent to note that death has occurred in the accident, and the case has been registered against the accused driver of the vehicle belonging to the applicant/revision petitioner.

22. In such death cases, it is quite possible that the compensation awarded may exceed ₹2,00,000. Therefore, the condition imposed by the Trial Court directing the revision

petitioner to furnish a bank guarantee or deposit ₹2,00,000 cannot be said to be illegal. On the contrary, the order appears to be reasonable and justified.

23. When the order passed by the Trial Court is neither illegal nor contrary to the principles laid down by the Hon'ble Supreme Court of India, it would not be proper for this Revisional Court to interfere with the same. Accordingly, the revision petition filed by the revision petitioner deserves to be dismissed, and Point No.1 is answered in the Negative.

24. **Point No.2:-** In view of my finding on Point No.1 , I proceed to pass the following;

### **ORDER**

The Criminal Revision Petition is hereby dismissed.

The order passed by the trial court in Crime No.125/2025 dated 06.01.2026 is hereby confirmed.

Send copy of the order to the trial court.

(Dictated to the Stenographer directly on the computer, corrected, signed and then pronounced by me in the open court this the 16<sup>th</sup> day of March, 2026 )

Sd/-

( Praveen Kumar R.N. )  
II Addl. District & Sessions Judge,  
Davanagere.