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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 994/2013 & CrI.M.A.9520/2013

BAKSHI TRANSPORT SERVICE PVT LTD Petitioner
Through: Mr.Jagat Rana, Advocate

Versus

STATE Respondent
Through: Mr.Pawan Sharma, Standing Counsel for
State along with Ms.Priyanka Kapoor, Adv.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER
13.11.2013

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By the present petition, petitioner seeks quashing of the order dated 13.6.2013 of impounding the tourist bus of the petitioner bearing registration no.DL-1PC-5227.

The necessary facts to be noticed for disposal of this petition are that the petitioner is stated to be a company incorporated under the Companies Act with the aims and objects of providing tourism. On 13.6.2013 at about 10:00 a.m. the aforesaid bus, which possesses All India Tourist Permit had reported at Sita Hotel, Pahar Ganj, New Delhi for taking the tourists from the Sita Hotel, as per the tourist list. While tourists were boarding the bus from the hotel, ASI Rajender Singh came up to the driver and demanded the passenger list, registration certificate and permit of the bus, which was handed over to him, however the documents were not returned and the vehicle was sought to be impounded under section 207 of the Motor Vehicle Act, and a challan was issued under section 7 of the Delhi Motor Vehicle Rules, 1993 and section 177 and section 66/192-A of the Motor Vehicles Act.

The prime challenge in this petition is to the challan on the ground that section 207 of the Motor Vehicles Act is not applicable, as there is no violation of the same.

Mr.Sharma, counsel for the State submits that petitioner has an

equally efficacious remedy available by raising all grounds as raised in the present petition before the learned M.M. where the challan has been sent.

Counsel for the petitioner submits that in case the vehicle is impounded, he will suffer serious prejudice and his entire business will come to a stand-still. Counsel also submits that there is no violation, as the vehicle has not used for any other purposes than the purpose mentioned in the All India Permit, which fact is of course disputed by counsel for the State.

Counsel for the State submits that the bus was being used as a local bus. Counsel for the petitioner submits that he is willing to contest the matter on merits and submits that the vehicle will be produced before the concerned Metropolitan Magistrate for inspection on the next date of hearing.

Let the Metropolitan Magistrate inspect the vehicle if necessary and thereafter hand over the same to the petitioner after taking an undertaking that the petitioner shall produce the vehicle as and when directed. Let the vehicle be produced before the Metropolitan Magistrate on 3.12.2013 at 10:00 a.m.

All rights of the parties are kept open.

With above directions, the present petition and the application stand disposed of.

DASTI under the signatures of the Court Master.

NOVEMBER 13, 2013
SSN

W.P.(CRL) 994/2013

sd/-
G.S.SISTANI, J

13/11/13
cm to Hrg G.S. Sistani
COURT MASTER
DELHI HIGH COURT
NEW DELHI

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