

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2553 of 2014

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ORDER:
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The present revision is filed under Sections 397 and 401 of Cr.P.C. questioning the docket order dated 14.11.2014 passed in Crl.M.P.No.1567 of 2014 in Crime No.323 of 2014 on the file of the Judicial Magistrate of First Class, Ramannapet, wherein and where under the petition filed under Section 451 Cr.P.C. to release the vehicle bearing registration No.AP 24 W 5346 was dismissed.

The facts in issue are as under:

On 15.10.2014, on instructions from his officers, the Mandal Revenue Inspector, Choutuppal along with his staff and with the assistance of the Police, rushed to the outskirts of Dharmojigudem Village on NH 65 road and stopped a lorry bearing registration No.AP 24 W 5346, which was proceeding towards Hyderabad from Choutuppal side. On inspection of the lorry, they found the lorry was transporting the sand without necessary documents or waybills and hence the lorry was seized. Basing on the said seizure, the above case came to be registered.

The learned counsel for the petitioner mainly submits that the petitioner, who is the owner of the vehicle, was not present at the time of the alleged incident and that his driver has misused the vehicle. He submits that no useful purpose would be served in keeping the vehicle idle at the Police Station.

The learned Additional Public Prosecutor though opposed the application did not dispute the ownership of the vehicle.

A perusal of the material placed before this Court would indicate that a petition filed under Section 451 of Cr.P.C. seeking release of the

vehicle was dismissed.

In *Surenderbhai Ambalal Desai v. State of Gujarat*^[1], the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the police stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

Having regard to the facts and circumstances of the case and the principles of law laid down by the Apex Court in the decision stated supra, I am inclined to grant interim custody of the lorry bearing registration No.AP 24 W 5346 seized in crime No.323 of 2014 of Choutuppal Police Station, Nalgonda District in favour of the petitioner on the following conditions :

- i) The petitioner shall execute a personal bond for Rs.2,00,000/- (Rupees Two Lakhs Only) with one surety for a like sum to the satisfaction of the Judicial Magistrate of First Class, Ramannapet.
- ii) The petitioner shall produce the original registration certificate of the vehicle in the Court.
- iii) The petitioner shall give an undertaking to produce the vehicle as and when required by the Court and also give an undertaking not to alienate, encumber or alter the physical features of the vehicle.

Accordingly, the Criminal Revision Case is allowed at the admission stage.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Revision Case shall stand closed.

31.12.2014

skmr

[\[1\]](#) 2002 (10) SCC 283