

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Case No. Crl.R.C. No.1237 of 2015

Between:

Mokharala Srinivasa Rao S/o. Hanumantha Rao

... Petitioner/Appellant (s)

and

The State of Andhra Pradesh,
rep. by Public Prosecutor,
High Court, Hyderabad through S.H.O.,
Medikonda Police Station, Medikonduru
Guntur District.

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

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|---|---|--------|
| 1 | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1237 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated
15.06.2015, passed in Crl.M.P. No.2144 of 2015 in Crime No.69 of
2015 of Medikonduru Police Station, by the Additional Junior Civil

Judge, Guntur.

The brief facts of the case are that the Village Revenue Officer of Korrapadu village, Guntur District made a complaint to the Mandal Revenue Officer, Medikonduru, stating that the petitioner is excavating soil illegally from the patta lands and poromboke lands and transporting the same to the margin and thereafter getting the same filled into the tractor trucks with labour and transporting to the houses for elevation. The said complaint was forwarded to the police of Medikonduru, Guntur Urban. Basing on the same, a case in Crime No.69 of 2015 for the offences punishable under Sections 379 IPC and 3 of PDPP Act was registered against the petitioner. During the course of investigation, the police seized the vehicle of the petitioner, i.e. Hundai Company Proclainer bearing No. N101D00861, model Type R80-7 with Model No.4R1040NA. The petitioner filed an application before the V Additional Junior Civil Judge, Guntur, for return of the said vehicle. The Court below dismissed the said application. Hence, this revision case is filed.

Heard and perused the material available on record.

The Court below dismissed the application of the petitioner on the ground that the petitioner is an accused in the case and if the said vehicle is returned to him, he may alter or sell the vehicle.

After perusing the record and after hearing the learned counsel for both sides, this Court is of the view that the revision case can be disposed of with the following directions:

1. The Court below is directed to return the vehicle i.e. Hundai Company Proclainer bearing No.N101D00861, model Type R80-7 with Model No.4R1040NA to the petitioner on his executing a bond for Rs.5,00,000/- (Rupees five lakhs only) with one surety for the like sum.

2. Further, the petitioner shall not alienate the vehicle or alter its physical features.
3. The petitioner is directed to produce the vehicle before the Court below as and when required by it.

Accordingly, the Criminal Revision Case is disposed of.
Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

July 23, 2015.
KTL