

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.1978 of 2015

ORDER:

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the return endorsement dated 29-07-2015 passed in C.F.R.No.3297 of 2015 (Crime No.99 of 2015-16) on the file of the Special Prohibition and Excise Court and Additional Judicial First Class Magistrate at Kakinada.

Heard and perused.

Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure seeking to release the crime vehicle i.e, Hero Honda Glamour motor cycle bearing registration No.AP 05 VCTR 7609, which was returned by the learned Magistrate vide impugned order. Challenging the same, present revision is filed.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle. Further, if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He also submitted that the petitioner is ready to produce the vehicle as and when required by the Court.

Learned Additional Public Prosecutor objects for

the same, since the vehicle is involved in a crime.

Considering these circumstances, it is directed that

Hero Honda Glamour motor cycle bearing registration No.AP 05 VCTR 7609, shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main case, on petitioner's executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with one surety for the like sum and also on production of original R.C. book.

It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further the petitioner shall undertake to produce the vehicle as and when required by the Court. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, this order need not be given effect to.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

14th September, 2015

skmr

