

THE HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2454 OF 2014

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 22.11.2014, passed in CrI.R.P.No.59 of 2013 by the learned II Additional Sessions Judge, Nalgonda, at Suryapet, whereby the learned Judge set aside the order of release of vehicle passed by order dated 26.08.2013, passed in CrI.M.P.No.3056 of 2013 in Cr.No.214 of 2013 by the Judicial Magistrate of first Class, at Kodad.

Heard.

Learned counsel for the petitioner submitted that the lower appellant Court has erred in setting aside the order passed by the trial Court releasing the vehicle on condition of the petitioner executing personal bond of Rs.1,00,000/- and some other conditions. He further submitted that the vehicle was seized while transporting the black jaggery and the black jaggery is an agricultural produce and that there is no law prohibiting sale, purchase and transporting the black jaggery and therefore seizure of the vehicle while transporting the black jaggery is not legal and valid. He further submitted that if the vehicle is kept idle for a long period, it will get damaged and hence, he prays to allow the petition.

Considering the facts and circumstances, the order, dated 22.11.2014, passed in CrI.R.P.No.59 of 2013 by the learned II Additional Sessions Judge, Nalgonda, at Suryapet, is hereby set aside. However, it is directed that the vehicle i.e., Tata Ace bearing No.AP 24 Y 8857 shall be released to the petitioner for interim custody, subject to final orders to be passed in main case, on his executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for a like sum to the satisfaction of the Judicial Magistrate of First Class, Kodad, and subject to production of all the documents relating to the vehicle in question. The petitioner shall also give an undertaking not to sell, alter or alienate the said vehicle and

produce the same as and when directed by the trial Court. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

10.06.2015

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