

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRL.P.No.4048 of 2015

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ORDER:

This Criminal Petition is filed by the petitioner under Section 482 r/w 457 Cr.P.C impugning the order dated 17.04.2015 passed by the learned Judicial Magistrate of First Class, Narsampet, Warangal District, in Crl.M.P.No.448 of 2015 in Crime No.61 of 2015 of Narsampet Police Station, registered for the offences punishable under Sections 420, 487 I.P.C. r/w Section 7 of the Essential Commodities Act, 1955.

2) Heard the learned counsel for the petitioner so also the learned Public Prosecutor representing the State-respondent before admission and perused the material on record.

3) The petitioner herein, who is the accused No.2, is the registered owner of Tasta Car bearing registration No.AP 37BY 5262 and the said vehicle is involved in the present crime. The learned Magistrate returned the application of the petitioner/accused No.2 for interim custody of the vehicle under Section 457 Cr.P.C. with the observations that there is a bar of jurisdiction by virtue of specific wording of Section 6-E r/w Section 6-A, which provides jurisdiction to confiscate or release the seized property by the Joint Collector concerned under the Essential Commodities Act, 1955.

4) Having regard to the above, there is nothing to impugn the order of the learned Magistrate, but for the Criminal Petition is disposed of, giving liberty to the petitioner to approach the Joint Collector, if at all deserves the interim custody of the vehicle to consider the same on execution of bond and on furnishing security with any endorsement on the vehicle for non-transferable pending final orders. Subject to such observations, the learned Joint Collector

can dispose of the application of the petitioner, preferably within a period of one month.

5. Consequently, miscellaneous applications, if any, pending in this Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 18-06-2015

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