

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1794 OF 2015

ORDER:

This Criminal Revision Case is filed against the order, dated 14.08.2015, passed in CFR. No.3040 of 2015 in crime No.958 of 2014-15 on the file of I - Additional Judicial Magistrate of First Class, Huzurabad.

The brief facts of the case are that 09.02.2015 at 5-45 hours, while the Sub-Inspector of Police, Elkathurthy, conducting patrolling at Indiranagar Bus stage, Elkathurthy Mandal, he found A1 in illegal possession of black jaggery and alum. The police arrested A1 and seized the property and the vehicle bearing registration No.AP 36 TB 5131 and registered a case in Crime No.23 of 2015 for the offence under Section 34(e) of A.P. Excise Act and handed it over to the Prohibition and Excise Station, Huzurabad. The petitioner filed an application before the I-Additional Judicial Magistrate of First Class, Huzurabad, for release of the vehicle, stating that he is the owner of the vehicle. The learned Magistrate returned the said application on the ground of jurisdiction. Hence, this revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and he is not the accused in the above said crime and if the vehicle is exposed to sun and rain and is kept idle for a long period, it will get damaged and the petitioner is ready to furnish sufficient surety for release of the vehicle.

Learned Public Prosecutor also submitted that interim custody of the stock can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that the vehicle i.e. Mahindra Bolero Truck bearing No. AP 36 TB 5131, shall be released to petitioner for interim custody, subject to final orders to be passed at the time of disposal of main case, on her executing a personal bond for Rs.1,00,000/- (Rupees one lakh 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, alter or sell the vehicle till the disposal of the criminal case and further she shall undertake to produce the vehicle as and when required by the Court. This order will not stand in the way of the respondent to proceed with confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

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

RAJA ELANGO, J

August 28, 2015.
KTL