

HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.1216 of 2015

ORDER:

Petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 29.06.2015 passed in CrI.M.P.No.1937 of 2015 in Cr.No.104 of 2015 by the Special Judicial Magistrate of First Class (Prohibition & Excise) Khammam.

Heard.

Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure seeking to release the crime vehicle i.e., Bolero Maxi Truck bearing No.TS 04 UA 5175, which was dismissed by the learned Magistrate vide impugned order on the ground of jurisdiction. 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 vehicle i.e., Bolero Maxi Truck bearing No.TS 04 UA 5175 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 his executing a personal bond for Rs.3,00,000/- (Rupees Three lakhs 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 he 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.

Accordingly, the Criminal Revision Case is disposed of.

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

RAJA ELANGO, J

06th July, 2015

skmr