

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1242 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 25.06.2015, passed in CrI.M.P. (SR) No.1223 of 2015 in Cr. No.507 of 2014-15, by the IV Metropolitan Magistrate, Ibrahimpattanam.

The brief facts of the case are that while the Prohibition & Excise Inspector, Ibrahimpattanam, conducting route-watch along with his staff, they found the accused in illegal possession of ID liquor. The police arrested the accused and seized the contraband and also Hero Honda Passion Plus Motorcycle bearing registration No.AP 11 N 5557 under cover of panchanama and arrested the accused and sent him to judicial custody. The petitioner, who is said to be the owner of the vehicle, filed CrI.M.P.(SR) No.1223 of 2015 before the IV Metropolitan Magistrate, Imbrahimpattanam for interim custody of the vehicle. The trial Court dismissed the said application on the ground of jurisdiction through the impugned docket order. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle, and the Court below has erroneously dismissed the application of the petitioner and if the vehicle is exposed to sun and rain and is kept idle, it would get damaged. He further submits that the petitioner is ready and willing to furnish sufficient surety for release of the vehicle.

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

Considering these circumstances, the respondent is directed to

release the vehicle bearing registration No. AP 11 N 5557 to the petitioner for interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle or change its physical features till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court concerned. This order will not stand in the way of the respondent to proceed with the confiscation proceedings.

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

RAJA ELANGO, J

July 13, 2015.
KTL