

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1714 OF 2015

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 30.07.2015, passed in CrI.M.P.No.5057 of 2015 in C.O.R.No.564 of 2015-16 on the file of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam, whereby the learned Judge dismissed the petition filed by the petitioner for release of the vehicle, i.e., TVS XL bearing No.TS 04 EA 3709.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is the owner of the aforesaid vehicle and if the vehicle is kept idle for a long period, it will get damaged and hence, he prays to allow the petition.

Learned Additional Public Prosecutor opposed for the same.

Considering the facts and circumstances, it is directed that the vehicle i.e., TVS XL bearing No.TS 04 EA 3709, 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.10,000/- (Rupees ten thousand only) with one surety for a like sum to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam, 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

25.08.2015
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