

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.866 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 30.03.2015, passed in Crl.M.P. No.726 of 2015 in Crime No.334 of 2014-15, by the Special Judicial Magistrate of First Class for Prohibition & Excise, Chittoor, Chittoor District.

The petitioner is an accused in Crime No.334 of 2014-15. The brief facts of the case are that on 20.03.2015 at about 11.30 a.m., during the route-watch conducted by the S.I. of Prohibition & Excise, Chittoor Rural along with his staff, he found a lady transporting four nips of McDowell's No.1 Gold Brandy and twenty one nips of Honey Bee Genuine Brandy, each 180 ml., liquor bottles in a white plastic bag on a Honda Activa vehicle. Then, the police arrested her and seized the property under cover of special report. Thereafter, the petitioner filed Crl.M.P. No.726 of 2015 before the trial Court for interim custody of the vehicle. The learned Magistrate dismissed the said application. Hence, this revision is filed by the petitioner.

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 vehicle was stolen and thereby it was used in committing the alleged offence and the petitioner is no way concerned with the said offence and she has no knowledge about the offence and the learned trial Judge without appreciating the relevant facts, dismissed the application of the petitioner for release of the vehicle and if the vehicle is exposed to sun and rain and is kept idle, it would be damaged. He further submits that the petitioner is ready and willing to furnish security for release of the vehicle.

Learned Additional Public Prosecutor also submitted that interim custody of

the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that vehicle i.e. Honda Activa bearing No.AP 03 BG 0480 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 her executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for the like sum each 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 she shall undertake to produce the vehicle as and when required by the Court.

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

RAJA ELANGO, J

June 08, 2015.

KTL