

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1862 OF 2015

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ORDER:

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The 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 14-08-2015 passed in CrI.M.P.No.4603 of 2015 in Crime No.364 of 2015-16 (Prohibition & Excise Police Station, Tiruvuru) by the Judicial Magistrate of First Class, Tiruvur.

Heard.

When the petitioner approached the Court below for interim custody of the crime vehicle bearing registration No.AP 16 CG 1427, Chassis No.MBLHA10ASCHM53345, Engine No. HA10ELCHM 31521, the Court below dismissed the application. Challenging the same, the present revision has been preferred.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and 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 objected for

grant of interim custody submitting that the vehicle is involved in a crime.

Considering the circumstances of the case, it is directed that vehicle bearing registration No.AP 16 CG 1427, Chassis No.MBLHA10ASCHM53345, Engine No. HA10ELCHM31521 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 a sum of Rs.55,000/- (Rupees Fifty Five thousand 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 confiscation proceedings, if any.

Accordingly, the Criminal Revision Case is allowed.

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

JUSTICE RAJA ELANGO

03rd September 2015.

skmr

