

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO. 496 of 2015

ORDER:

Upon hearing the learned counsel for petitioner, at the admission stage, the petition is ordered as follows:

It is seen that the offences alleged in this case are under Sections 171(B) r/w (E) and 188 of IPC and Section 34(a) of A.P. Excise Act, 1968. The grievance of the petitioner is that he is the registered owner of the vehicle i.e., Hero Honda CD 100 DLX bearing No. AP 24 H 2820 and the police have seized the vehicle and kept in the premises of Athmakur (S) Police Station, Nalgonda District and it is subjected to speedy and natural decay and the learned Judicial Magistrate of First Class, Suryapet, dismissed his petition in CrI.M.P.No.2713 of 2014 on an erroneous ground that he has no jurisdiction to entertain the petition.

Having regard to the fact that the offences alleged are under Sections 171(B) r/w (E) and 188 of IPC and Section 34(a) of A.P. Excise Act, 1968 and as per Section 46 of the Excise Act, the Deputy Commissioner of Prohibition and Excise is the competent authority to pass an order for confiscation/release and interim custody etc., the petitioner is directed to file a petition seeking interim custody of the property seized and the Deputy Commissioner of Prohibition and Excise shall pass an order on merits thereon within one week from the date of filing of the petition before him.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

06-02-2015

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Dt. 06.02.2015

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