

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1014 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 01.06.2015, passed in Crl.M.P. No.334 of 2015 in Crime No.54 of 2015-16, by the Special Judicial Magistrate of First Class (for Prohibition & Excise Offences), Nalgonda.

The case of the prosecution is that the petitioner was caught red handed while he was transporting ID liquor in Auto bearing No.AP 24 TB 2045 on 16.05.2015. The Excise Police seized the contraband and the vehicle under cover of panchanama and registered a case in Crime No.54 of 2015-16. Thereafter, the petitioner filed Crl.M.P. No.334 of 2015 before the Court of Special Judicial Magistrate of First Class (Prohibition & Excise offences), Nalgonda, for interim custody of the vehicle. The learned Magistrate dismissed the said application on the ground of jurisdiction. 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 he is nothing to do with the contraband, that 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 security for release of the vehicle.

On the other hand, learned Additional Public Prosecutor submits that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering the above facts and circumstances, the respondent is directed to release the vehicle i.e. Auto bearing registration No.AP 24 TB 2045 for interim

custody of the petitioner, which shall be subject to the final orders being passed in the main case, on his executing a personal bond for Rs.2,00,000/- (Rupees two lakhs only) and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle or change the physical features of the same till disposal of the criminal case and he shall undertake to produce the vehicle as and when required by the Court. 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

June 19, 2015.

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