

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3194 OF 2015

ORDER:

The petitioner-owner of the vehicle preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order dated 8.12.2015 passed in CrI.M.P.No.6380 of 2015 in COR No.1178 of 2015-16 by the Special Judicial Magistrate of First Class (Prohibition & Excise Cases) at Khammam.

Heard and perused the material available on record.

Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure seeking to release the vehicle i.e., Goods Carriage (Eicher Motor open) bearing No.TS 10 UA 2859 seized in the above crime and the said application was dismissed by the learned Magistrate vide impugned order. Challenging the same, the present revision is filed.

Learned Counsel for the petitioner submitted that the petitioner is the owner of the vehicle and the same is very essential for his livelihood. Further, if the vehicle is kept idle for a long period there is every possibility of getting it damaged. He also submitted that the petitioner is ready to produce the vehicle as and when required by the Court.

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. Goods Carriage (Eicher Motor open) bearing No.TS 10 UA 2859 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of the main case, on his executing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition & Excise cases) Khammam, 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 below. It is made clear that this order does not preclude the authorities concerned to pass confiscation proceedings, if any. If the confiscation proceedings have already been passed, this order does not give any effect.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 21.12.2015

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