

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3295 of 2015

ORDER:

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 21.12.2015 passed in CrI.M.P.No.6559 of 2015 in COR No. 641 of 2015-16 by the learned Judicial Magistrate of First Class (Prohibition and Excise Cases), Khammam.

2. Heard and perused the material available on record.

3. Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure before the Court below seeking to release the crime vehicle i.e., Goods Carriage LMV, Mahindra Bolero Maxi Truck Plus 2 Wd BS III bearing No.TS 04 UA 8403, which was dismissed by the Court below vide impugned order on the ground of jurisdiction. Challenging the same, present revision is filed.

4. 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 further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Additional Public Prosecutor objects for the same, since the vehicle is involved in a crime.

6. Considering these circumstances, it is directed that the vehicle i.e., Goods Carriage LMV, Mahindra Bolero Maxi Truck

Plus 2 Wd BS III bearing No.TS 04 UA 8403, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner 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 and Excise Cases) at Khammam. 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 the petitioner 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 any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

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

RAJA ELANGO, J

31st December, 2015

sj