THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1299 OF 2015

ORDER:

This Criminal Revision Case is filed against docket order, dated 01.07.2015, passed in CFR No.3433 of 2015 by the Judicial Magistrate of First Class, Thorrur, arising out of Cr. No.52 of 2015 of Rayaparthy Police Station.

The brief facts of the case are that while conducting patrolling duty at A.K. Thanda vilalge on 16.06.2015 at 3.30 hours, the Sub-Inspector of Police and his staff, found one lorry bearing registration No. AP 16 TV 3677 along with A1 and A2, and on seeing the police, A1 was absconded. On search, the police found 320 gunny bags of 16,000 kgs., of black jaggery, each bag containing 50 kgs., and 2 plastic bags of 100 kgs., Alum each containing 50 kgs. The police after conducting panchanama, seized the contraband, lorry bearing No. AP 16 TV 3677 and registered the above said crime for the offence under Section 34 (e) of AP Excise Act. The petitioner, who claims to be the owner of lorry, filed an application before the Judicial Magistrate of First Class, Thorrur, for interim custody of the lorry. The Court below rejected the said application through the impugned order on the ground of jurisdiction. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle, that the Court below has erroneously rejected the application of the petitioner and 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 sufficient surety for release of the vehicle.

Learned Public Prosecutor also submitted that the interim

custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, the respondents are directed to release the vehicle i.e. lorry bearing registration bearing No.AP 16 TV 3677 to the petitioner for interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.3,00,000/- (Rupees three 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 its physical features till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court concerned. This order will not stand in the way of the respondents to proceed with the confiscation proceedings.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

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RAJA ELANGO, J

July 13, 2015.
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