

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.1976 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 return endorsement dated 31-08-2015 passed in C.F.R.No.1146 of 2015 in P.R.No.390 of 2015-16 by the I Additional Judicial First Class Magistrate at Kothagudem.

Heard and perused.

Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure seeking to release the crime vehicle i.e, Honda Shine Motor Cycle bearing registration No.TS 04 EB 9179, which was returned by the learned Magistrate vide impugned order on the ground of jurisdiction. Challenging the same, present revision is filed.

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

Learned Additional Public Prosecutor objects for

the same, since the vehicle is involved in a crime.

Considering these circumstances, it is directed that

Honda Shine Motor Cycle bearing registration No.TS 04 EB 9179, shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main case, on petitioner's executing a personal bond for Rs.40,000/- (Rupees Forty Thousand only) with one surety for the like sum 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 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, this order need not be given effect to.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

14th September, 2015

skmr

