

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2325 OF 2015

ORDER:

This revision case is filed by the petitioner -owner of the property by invoking the provision under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the docket order dated 23.9.2015 passed in CrI.M.P.No.660 of 2015 in Consecutive No.108 to 118 of 2015 by the Judicial Magistrate of First Class, Ramannapet, Nalgonda District.

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., Motor Car bearing No.AP 29 BH 7879 and the said application was dismissed by the learned Magistrate vide impugned order on the ground that no document was filed in proof of the ownership of the vehicle. Challenging the same, the present revision is filed.

Learned Counsel for the petitioner submitted that he is the owner of the vehicle in question and that the charged person in the above crime is the friend of the petitioner and he borrowed the vehicle in question from the petitioner and he was arrested in the above said crime and the vehicle was also seized.

The learned Magistrate dismissed the application filed by the petitioner on the ground that the material on record does not disclose that the petitioner is the owner of the vehicle in question. The order passed by the learned Magistrate is erroneous in law. When the petitioner filed a petition for release of the vehicle, it is the duty of the learned Magistrate to enquire into the details of the vehicle and also to return the same, if it is not required for the purpose of trial. Admittedly, this is a case wherein the vehicle is not at all necessary to be produced before the trial Court. The investigating agency also, without there being any valid reasons, is seizing the

vehicles and other articles in this type of cases.

Considering the facts and circumstances of the present case, the learned Magistrate is directed to release the vehicle in question i.e., Motor Car bearing No.AP 29 BH 7879 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 Judicial Magistrate of First Class, Ramannapet, and also on production of original R.C. book and other relevant documents to substantiate his ownership. 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.

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

JUSTICE RAJA ELANGO

Dated: 9.10.2015

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