

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 562 OF 2015

ORDER:

The present criminal revision is filed against an order dated 11.03.2015 passed in CrI.M.P. No.628 of 2015 in Crime No.14 of 2015, wherein an application filed by the petitioner for interim custody of the Tractor bearing No.AP05 BY 0698 was dismissed on the ground that the said vehicle was involved in the crime.

The petitioner is the driver of the said vehicle. The case of prosecution is that on 13.05.2014, the tractor and trailer bearing Nos.AP 05 BY 0698 and AP05 X 5228 respectively were seized by the police, Karapa, on receiving information from the Village Revenue Officer, Gorripudi, Karapa Mandal, that the said vehicle was involved in transporting sand illegally from Masakapalli to Karapa.

The learned counsel for the petitioner mainly submits that the petitioner is innocent of the offences alleged against and the allegations are invented for the purpose of this case. He further submits that investigation is completed and a charge sheet is also filed.

In ***Surenderbhai Ambalal Desai v. State of Gujarat***, the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions, as there is no dispute with regard to the ownership.

Taking into consideration the facts and circumstances of the case, I am inclined to grant interim custody of the tractor bearing No.AP05 BY 0698 seized in Crime No.14 of 2015 of Karapa Police Station, East Godavari District, in favour of the petitioner on the following terms:

- i. The petitioner shall execute a personal bond for Rs.2,00,000/- (Rupees Two lakhs only) with one surety for a like sum to the satisfaction of the IV Additional Judicial First Class Magistrate, Kakinada.
- ii. The petitioner shall produce the original Registration Certificate of the vehicle in the Court.

- iii. The petitioner shall give an undertaking to produce the vehicle as and when required by the Court and also an undertaking not to alienate, encumber or alter the physical features of the tractor and trailer bearing registration Nos. AP05 BY 0698 and AP05 X 5228 respectively;
- iv. This order shall not preclude the authorities in proceeding further in accordance with law.

Accordingly, the Criminal Revision Case is allowed.

As a sequel thereto, Miscellaneous Petitions pending if any in this criminal revision, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 15.04.2015

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