

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1065 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 25.05.2015, passed in CrI.M.P.No.1642 of 2015 in Cr. No.96/2015 of P.S., Kusumanchi, Khammam District, by the Special Judicial Magistrate of First Class (Prohibition & Excise), Khammam.

The brief facts of the case are that on reliable information, the Sub-Inspector of Police of P.S., Kusumanchi along with his staff, conducted raid at the outskirts of Gurvaigudem Thanda on Devarakonda Gutta and found the petitioner – A1 is preparing ID liquor and apprehended him. On interrogation in the presence of mediators, A1 confessed that he purchased the black jaggry and alum from A2 and used the same in preparation of ID liquor. The police seized the ID liquor and Honda Dream Motor Cycle bearing No. TS 04 ED 4685 from the possession of the petitioner. Basing on the confession and seizure panchanama, Crime No.96 of 2015 for the offences under Section 7 (a) read with 8 (e) of the A.P. Prohibition Act was registered. The petitioner filed CrI.M.P. No.1642 of 2015 before the Special Judicial Magistrate of First Class, Khammam, for interim custody of the vehicle. 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 submits that the petitioner is the owner of the vehicle, and the Court below has erroneously dismissed 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 interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that the vehicle bearing registration No. TS 04 ED 4685 shall be released 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.40,000/- (Rupees forty thousand 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

1st respondent to proceed with the confiscation proceedings.

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

RAJA ELANGO, J

June 24, 2015.
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