

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.14721 of 2015

ORDER:

Petitioner is aggrieved for not releasing the lorry bearing No.AP29 TB 0049, which is allegedly seized in pursuance of FIR.No.54 of 2015, dated 04.05.2015 registered by Midjil Police Station, Mahabubnagar District. The present Writ Petition is moved on the ground that when the police produced the said lorry before the learned Judicial First Class Magistrate, Kalvakurthy, who is in-charge for Judicial First Class Magistrate, Nagarkurnool, he did not accept for depositing of the same. Hence, the petitioner is unable to seek interim release of the said vehicle.

The instructions of the learned Government Pleader however show that when the seized vehicle was produced before the Judicial First Class Magistrate (in-charge), he returned the vehicle with a direction to take necessary action as per G.O.Ms.No.15. The instructions further show that the Authorized Officer is entitled to consider an application for release of the vehicle in terms of sub-clauses (c) and (e) of Clause 4 of G.O.Ms.No.15. The instructions also show that in the event of the petitioner approaching the authorized officer, necessary action in terms of aforesaid G.O. as per the directions of the learned Magistrate would be taken. So far, the petitioner has not approached the authorized officer.

In view of the above, the Writ Petition is disposed of giving liberty to the petitioner to approach the authorized officer seeking release of the aforesaid vehicle and if any such application is filed, the authorized officer will take appropriate steps in terms of the said G.O. No order as to costs.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

28th MAY, 2015.

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