

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.928 OF 2015

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ORDER:

This Criminal Revision Case is filed against proceedings, dated 30.04.2015, passed in Cr.No.96/2015/B, by the Deputy Commissioner of Prohibition & Excise, Nalgonda.

The brief facts of the case are that the on credible information, the Sub-Inspector of Police along with staff, rushed to Noothankal and found a lorry bearing No.AP 37W 5967 in suspicious circumstances and on search, they found black jaggery and alum being transported in the said lorry. On seeing them, the driver of the lorry tried to escape, but the police apprehended him and seized the stock along with lorry. The petitioner herein, who is the owner of the lorry, filed an application before the 2nd respondent for release of the said vehicle. The 2nd respondent requested the police Noothankal to submit the upset price of the seized lorry. Then, the police submitted the upset price of the lorry for Rs.4,15,000/-. Taking into consideration the same, the 2nd respondent disposed of the application filed by the petitioner by directing the petitioner to submit FDR for the upset price of the lorry for its interim custody. Aggrieved by the same, the present revision petition is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner is an agriculturist and the lorry was engaged by someone on hire basis and he has no knowledge about transportation of black jaggery and alum and the condition to submit FDR for a sum of Rs.4,15,000/- by the 2nd respondent may be set aside and the petitioner is ready to furnish third party surety.

After perusing the material available on record and after hearing the submissions made by the learned counsel for the petitioner, this Court is of the view that the order of the 2nd respondent can be modified, by directing the petitioner to furnish third party surety instead of FDR.

Accordingly, the Criminal Revision Case is disposed of and the proceedings dated 30.04.2015 in Cr.No.96/2015/B issued by the 2nd respondent – Deputy Commissioner of Prohibition & Excise, Nalgonda, are modified, directing the 2nd respondent to accept third party surety of an immovable property to a tune of Rs.4,15,000/-, from the petitioner and release lorry bearing No.AP 37 W 5967, which shall be subject to final orders to be passed at the time of disposal of main case and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle or 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.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 15, 2015.
KTL