

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.2134 of 2015

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ORDER:

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The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 15-09-2015 passed in CrI.M.P.No.5547 of 2015 in C.O.R.No.859 of 2015-16 by the Special Judicial First Class Magistrate (Prohibition and Excise Cases) at Khammam.

Heard and perused the records.

Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure seeking interim custody of the vehicle i.e., Tata Ace Trolley Auto bearing No.AP 20 TB 4081, which was dismissed by the learned Magistrate vide impugned order on the ground of jurisdiction. Challenging the same, present revision is filed.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period there is every possibility of it getting damaged. He also submitted that the petitioner is ready to produce the vehicle as and when required by the Court.

Learned Additional Public Prosecutor objected for grant of interim custody submitting that the vehicle is involved in a crime.

Considering the circumstances of the case, it is directed that vehicle i.e., Tata Ace Trolley Auto bearing No.AP 20 TB 4081 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main case, on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the trial court and also on production of original R.C. book. 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 by the Court. However, it is made clear that the present order will not stand in the way of confiscation proceedings, if any.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

30th September, 2015

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