

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2656 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in seizing the Tractor bearing No.AP 16 BS 5439 along with tractor trailer bearing No.AP 16 BS 5404 of the petitioner on 11.12.2014, without following any procedure under statutes as illegal and arbitrary and for a consequential direction to the respondents to release the tractor and trailer to the petitioner.

The Assistant Government Pleader for Home produced written instructions wherein it is stated that the petitioner's vehicle met with an accident as a result of which the inmates of the Auto bearing No.AP 16 TB 8385 suffered injuries and as such Crime No.245/2014 is registered under Sections 337, 338 IPC. It is also stated that after the death of one of the inmates of the above said auto and as the Tractor was transporting sand illegally without any relevant documents, the section of law on which a crime was registered was altered as Sec.379, 426 IPC & Sec.27, 35 C1, C2, 38 Rule 23 of VALTA 2002. As the tractor was transporting the sand illegally, the same was produced before the Addl. Judicial First Class Magistrate Court, Thiruvur.

Heard learned counsel for the petitioner.

Since Crime No.245/2014 was registered under the provisions of IPC and also since the vehicle is produced before the AJFCM Court, Thiruvur, it is for the petitioners to approach the AJFCM Court for release of the crime vehicle by filing an application and it is for the said Court to consider the application of the petitioner for release of the vehicle in accordance with law.

Accordingly, the writ petition is disposed of. No order as to

costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

19.02.2015

Note: Issue CC in three days.

B/o.t k.