

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1298 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 17.06.2015, passed in Crl.M.P. No.370 of 2015 by the Judicial Magistrate of First Class, Arakuvalley, arising out of Cr. No.328/2015-14 of Arakuivalley Police Station.

The brief facts of the case are that the vehicle i.e. Auto rickshaw bearing No.AP 31 TW 4247 was alleged to have been seized by the police, while it was used in transporting 350 kgs., of black jaggery. The police seized the contraband and the Auto and registered the above said case against the accused for the offences under Section 7 (a) read with 8 (e) of the A. P. Prohibition Act 1995 and Section 34 (e) of the A.P. Excise Act, 1968. The petitioner, who claims to be the owner of the vehicle, filed Crl.M.P. No.370 of 2015 before the Judicial Magistrate of First Class, Arakuvalley, 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 submitted that the petitioner is the owner of the vehicle, that the Court below has erroneously rejected 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 submitted 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, the respondent is directed to release the vehicle i.e. Auto rickshaw bearing registration No. AP 31 TW 4247 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.3,00,000/- (Rupees three lakhs 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 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

July 13, 2015.
KTL