

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

CRIMINAL REVISION CASE No.1392 of 2015

Between:

Malluchinnapa Reddy.

..Petitioner

And

State of Andhra Pradesh rep., by its Public Prosecutor
High Court at Hyderabad.

..Respondent.

DATE OF JUDGMENT PRONOUNCED: 28.7.2015

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE RAJA ELANGO

1. Whether Reporters of Local newspapers may be :: Yes/No
Allowed to see the judgments?

2. Whether the copies of judgment may be marked :: Yes/No
To Law Reporters/Journals

3. Whether Their Ladyship/Lordship wish to see :: Yes/No
the fair copy of Judgment?

**THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1392 OF 2015**

ORDER:

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1. The petitioner-owner of the vehicle filed this Criminal Revision Case under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 17.03.2015 passed in CrI.M.P.No.357 of 2015 in Crime No.143 of 2014 by the IV Additional Judicial Magistrate of First Class, Nellore.

2. Heard and perused the material available on record.

3. Petitioner herein filed the impugned application under Section 451 of the Code of Criminal Procedure seeking to release the crime vehicle i.e. Tata Hitachi LC Hydraulic, Excavator EX.200 bearing Engine No. 20018008, Chassis No.20018008 and the said application was dismissed by the learned Magistrate vide impugned order. Challenging the same, present revision is filed.

4. The trial Court dismissed the application on the ground that the particulars given by the petitioner regarding the vehicle are not tallying with that of the vehicle seized in the present crime and the vehicle, which is claimed by the petitioner, was not seized in the present crime and no such vehicle was deposited.

5. Learned Counsel for the petitioner submitted that the alterations were made in the engine number and the petitioner is not aware of the same and the Chassis Number is one and the same. He further submitted that the petitioner is the owner of the vehicle and the same is very essential for eking out his livelihood. Further, 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 RC book before the Court concerned and he is ready to file an affidavit before the Court concerned undertaking to produce the vehicle as and when required by the Court below, without altering the nature of the vehicle more particularly the numbers of the vehicle, which are available at present.

6. Learned Additional Public Prosecutor also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

7. Considering the above facts and circumstances of the case, it is directed that the vehicle i.e. TATA Hitachi LC Hydraulic Excavator EX-200 bearing Engine No.20B62215135 (old No.20018008) Chassis No.20018008. 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.5,00,000/- (Rupees Five Lakhs only) with one surety for the like sum to the satisfaction of the learned IV Additional Judicial Magistrate of First Class, Nellore, and also on production of original R.C. book. The petitioner is directed to file an affidavit undertaking that he shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case, more particularly the present numbers of the vehicle, and further he shall produce the vehicle as and when required by the Court concerned.

8. Accordingly, the Criminal Revision Case is disposed of.

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

JUSTICE RAJA ELANGO

Date : 28.07.2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.1392 OF 2015

DATED: 28.7.2015

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