

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

Criminal Revision Case No. 1599 of 2015

Between:

Sabavath Shiva.

.. Petitioner.

And

The State of Telangana, through SHO, Nampally Proh. And Excise
Station, Nalgonda District, rep. by Public Prosecutor,
High Court of Judicature at Hyderabad,
for the State of Telangana and the State of
Andhra Pradesh, Hyderabad.

.. Respondent/Complainant

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

Criminal Revision Case No. 1599 of 2015

ORDER

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 24.07.2015 passed in CrI.M.P.No.556 of 2015 in Cr.No.07 of 2014-15 by the Judicial First Class Magistrate (For Proh. & Excise Offences) at Nalgonda-FAC-Judicial First Class Magistrate at Devarakonda.

2. Heard.

3. When the petitioner approached the Court below for interim custody of the vehicle i.e., Auto Rikshaw bearing No.AP-24-X-8108, the Court below dismissed the application. Challenging the same, the present revision has been preferred.

4. Learned counsel for the petitioner 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 vehicle as and when required by the Court.

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

6. Considering the circumstances of the case, it is directed that the vehicle i.e., Auto Rikshaw bearing No.AP-24-X-8108 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.25,000/- (Rupees Twenty Five thousand only) with one surety for the like sum 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.

7. Accordingly, the Criminal Revision Case is allowed. Miscellaneous petitions pending in this revision, if any, shall stand closed.

M.S.K. JAISWAL, J.

11th August, 2015
sj