

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2363 OF 2015

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ORDER:

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Petitioner-Owner of the vehicle filed this Criminal Revision Case by invoking the provision under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 06.10.2015 passed in CrI.M.P.No.5806 of 2015 in COR.No.462 of 2015-16 by the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam.

2. Heard.

3. Petitioner herein filed the impugned application under Section 457 (1) of the Code of Criminal Procedure seeking to release the vehicle i.e., Boleru Maxi Truck No.AP 20 TA 1509 and the said application was dismissed by the learned Magistrate vide impugned order. Challenging the same, the present revision is filed.

4. Learned Counsel for the petitioner submitted that the petitioner is the owner of the vehicle and the same is very essential for his livelihood. Further, if the vehicle is kept idle for a long period, there is every possibility of getting it 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 also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

6. Considering these circumstances, it is directed that vehicle i.e. Boleru Maxi Truck No.AP 20 TA 1509 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time

of disposal of the main case, on his executing a personal bond for Rs.1,50,000/- (Rupees one lakh fifty thousand only) with one surety for the like sum to the satisfaction of the Special Judicial Magistrate of First Class (for Prohibition and Excise Cases) at Khammam, 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.

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

JUSTICE RAJA ELANGO

26.10.2015
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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Date: 26.10.2015

AMD