

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2015 OF 2015

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ORDER:

This Criminal Revision Case is filed against the docket order, dated 27.08.2015, passed in an application filed by the petitioner in Crime No.68 of 2014 on the file of Additional Judicial Magistrate of First Class, Nandigama, Krishna District.

The brief facts of the case are that 04.04.2014 at 13-15 hours, while the Sub-Inspector of Police, Chandarlapadu Police Station, conducting patrolling duty, he noticed an auto bearing No.AP 16 T 5972 in suspicious circumstances and on search, he found 336 liquor bottles in the said auto. The police arrested the driver of the auto and seized the property and the auto and registered the above said case. The petitioner filed an application before the Additional Judicial Magistrate of First Class, Nandigama, for release of the vehicle, stating that he is the owner of the vehicle. The learned Magistrate returned the said application on the ground of jurisdiction. Hence, this revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is exposed to sun and rain and is kept idle for a long period, it will get damaged and the petitioner is ready to furnish sufficient surety for release of the vehicle.

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

Considering these circumstances, it is directed that the vehicle i.e. auto bearing registration No.AP 16 TY 5972, shall be released to petitioner for interim

custody, subject to final orders to be passed in the main case, on his executing a personal bond for Rs.60,000/- (Rupees sixty 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, alter or sell the vehicle till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court. This order will not stand in the way of the respondent to proceed with confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

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

RAJA ELANGO, J

September 16, 2015.

KTL