

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2876 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 02-06-2015 passed in CrI.M.P.No.150 of 2015 (Cr.No.278 of 2014 in P.R.C.No.2 of 2015 of Mydukur Police Station) on the file of Judicial Magistrate of First Class at Mydukur, wherein and whereby the learned Magistrate dismissed the application filed by the petitioner invoking the provisions under Section 451 Cr.P.C. seeking to release the vehicle i.e., Passion PRO Motorcycle bearing Registration No.AP 02 AR 5216 for the interim custody of the petitioner.

The brief facts of the case are that the petitioner is arrayed as accused No.2 in P.R.C.No.02 of 2015 of Mydukur Police Station. During the course of investigation, the Investigation Officer seized the vehicle in the said crime i.e., Crime No.278 of 2014. The petitioner filed an application for return of the same. The learned Committal Court dismissed the application on the ground that there is every possibility of alienating or changing the physical features of the crime vehicle.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material

available on record.

This Court is of the view that release of the vehicle in favour of the petitioner for his interim custody with some conditions would not cause any prejudice to the trial Court.

Considering the circumstances of the case, it is directed that the vehicle i.e., Passion PRO Motorcycle bearing Registration No.AP 02 AR 5216 shall be released for interim custody of the petitioner, on his executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the Court concerned 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 committal Court as well as the trial Court for the purpose of continuation of the trial.

Accordingly, the Criminal Revision Case is allowed.

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

JUSTICE RAJA ELANGO

04th December, 2015

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