HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1768 of 2015

ORDER:

In this petition filed under Sec.482 Cr.P.C, the petitioner/accused challenges the Order in Criminal Revision No.69 of 2014, dated 19.12.2014 of II Additional Sessions Judge, Nalgonda at Suryapet, whereunder the learned Judge confirmed the Order in Crl.M.P.No.2530 of 2014 in Crime No.120 of 2014 of Judicial First Class Magistrate at Suryapet and refused to grant interim custody of the crime motor cycle bearing No. AP-24-AT-4354.

2) As per the prosecution case, the crime motor cycle bearing No. AP-24-AT-4354, which was being used by the deceased, was committed theft by the accused after murdering him. As per the prosecution, the deceased was residing in a rented room in the house of petitioner and the deceased purchased the crime motor cycle on the I.D proof of petitioner by taking loan from Hinduja Leyland Faineance Limited. Therefore, though the crime motor cycle was registered in the name of petitioner in the R.T.A records, the Courts below refused to grant interim custody of the crime vehicle to the petitioner.

3) The case of the learned counsel for petitioner is that the petitioner is the actual owner of the crime motor cycle and it was registered in his name and he is ready to offer security and oblige the conditions passed by the Court and therefore, the custody of the crime motor cycle may be given to him.

4) This Court finds the prayer of the petitioner as reasonable one. Admittedly, the crime motor cycle was registered in the name of petitioner. It appears that the legal representatives of the deceased so far not made any claim over the crime motor cycle. In these circumstances, the interim custody of the crime vehicle can be given to the petitioner by imposing suitable conditions.

5) In the result, this Criminal Petition is allowed and the impugned Orders of the Courts below are set aside and the learned Judicial First Class

Magistrate, Suryapet, is directed to give interim custody of the crime motor cycle i.e., Yamaha Fazar bearing No. AP-24-AT-4354 to the petitioner on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand) with one surety for like sum to the satisfaction of the said Magistrate.

ii) The petitioner is directed to surrender original R.C.Book before the learned Judicial First Class Magistrate, Suryapet, by retaining a certified copy with him;

iii) The petitioner is directed not to alienate or encumber the crime motor cycle without prior intimation and permission of J.F.C.M, Suryapet and he shall not alter the physical features and colour of the crime motor cycle. He shall produce the vehicle before the Court as and when directed to do so.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

_____

U. DURGA PRASAD RAO, J

Date: 27.03.2015

eha

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.1768 of 2015

Dt. 27.03.2015