

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2169 of 2015

ORDER:

The petitioner – accused No.1 preferred the present Criminal Revision Case by invoking the provision under Section 482 of the Code of Criminal Procedure being aggrieved by the docket order, dated 18.08.2015 passed in CrI.M.P.No.938 of 2015 in S.T.C.No.29 of 2015 by the XXIV Metropolitan Magistrate, Cyberabad.

Petitioner herein filed the impugned application under Section 451 r/w.457 of the Code of Criminal Procedure before the Court below seeking for interim custody of the case property i.e. 1) Weigh Bridge of Weigh Company Class-III Machine No.1123027 and 2) Weigh Bridge of Make Avery Company Class-III S.No.14ES00846, which was dismissed by the Court below vide impugned order on the ground that the petitioner committed the offence under Section 8 punishable under Section 25 of the Legal Metrology, 2009 read with Rule 13 of the Legal Metrology (General) Rules, 2011, for the second time. Challenging the same, present revision is filed.

Learned counsel for the petitioner submitted that the petitioner is eking out his livelihood by running the Weigh Bridge with the above two weigh bridges and he purchased the said machines on payment of monthly instalments and due to some misunderstanding the authorities concerned, seized the said machines and the petitioner is ready to furnish sufficient surety and also produce the said machines as and when required by the Court.

Learned Additional Public Prosecutor objected for grant of interim custody of the said machines to the petitioner, since the petitioner committed the above offence for second time.

Considering these circumstances, the authorities concerned,

are directed to return the case property i.e. 1) Weigh Bridge of Weigh Company Class-III Machine No.1123027 and 2) Weigh Bridge of Make Avery Company Class-III S.No.14ES00846, seized in the above STC, to the petitioner for his interim custody, subject to final orders to be passed in the main case, on petitioner's executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum to the satisfaction of the XXIV Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur. It is further directed that the petitioner 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 any 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 filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

October 06, 2015.
KTL