

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL REVISION CASE No.2929 of 2015

ORDER:

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (for short, 'Cr.P.C') being aggrieved by order, dated 03.11.2015, in CrI.M.P.No.6055 of 2015 in COR.No.1083 of 2015-16 passed by the Special Judicial Magistrate of First Class (Prohibition & Excise Cases), Khammam.

Heard and perused the material available on record.

Petitioner herein filed the aforesaid CrI.M.P., under Section 457 (1) Cr.P.C. before the Court below seeking release of crime vehicle i.e., Auto bearing registration No. TS-04-UA-5297 and the same was dismissed on the ground that the Court below has no jurisdiction to entertain the petition. Challenging the same, present revision is filed.

Learned counsel for the petitioner submitted that the petitioner is owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of getting it damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

Learned Additional Public Prosecutor objects for the same, because the vehicle is involved in a crime.

Considering these circumstances, it is directed that the vehicle i.e., Auto bearing registration No. TS-04-UA-5297, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on executing a personal bond for Rs.75,000/- (Rupees seventy five thousand only) with one surety for a like sum to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition & Excise Cases), Khammam, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate or change the physical features of the vehicle till disposal of the main case. He shall also 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.

M.S.K. JAISWAL, J

NOVEMBER 30, 2015

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THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

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Date:30.11.2015

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