

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

CRL.P.No.6162 of 2015

ORDER:

The petitioner seeks to set aside the order of the learned Junior Civil Judge, Macherla, Guntur District in Crl.M.P.No.680 of 2015 in Crime No.139 of 2014 of Veldurthi Police Station.

The vehicle of the petitioner i.e., Goods Carriage viz., Ashok Leyland lorry bearing Registration No.AP.05 X 0155 was seized by the police, Veldurthi Police Station, Guntur District, while transporting PDS rice illegally and a case in Crime No.139 of 2014 was registered under Sections 406, 420 I.P.C and Section 7 of Essential Commodities Act. The petitioner sought for interim custody of the vehicle by filing Crl.M.P.No.680 of 2015 and the learned Junior Civil Judge, Macherla, Guntur District, by order dated 12.02.2015 dismissed the said petition holding that as per the provisions of the Essential Commodities Act, he has no power to pass orders regarding interim custody of the vehicle.

The petitioner claimed that he is the owner of the property and seeks for interim custody of the vehicle. Detention of the vehicle with police officials certainly would cause damage to the vehicle if the vehicle is not put to use. I, therefore, consider it appropriate to grant interim custody of the vehicle in favour of the petitioner subject to the result of the trial.

Accordingly, this Criminal Petition is allowed. The order

of the trial Court in CrI.M.P.No.680 of 2015 in Crime No.139 of 2014 of Veldurthi Police Station dated 12.02.2015 is set aside. The petitioner is granted interim custody of Goods Carriage i.e., Ashok Leyland lorry bearing No.A.P 05 X 0155 subject to his proving ownership to the vehicle, on a personal bond of Rs.3,00,000/- (Rupees Three Lakhs Only) with two sureties in a like sum to the satisfaction of Junior Civil Judge, Macherla, and on further conditions as follows:

(1) that the petitioner shall produce the vehicle before the trial Court as and when directed by the trial Court,

(2) the petitioner shall not alienate or dispose of the vehicle without prior permission of the Court and

(3) the petitioner shall not alter the shape or condition of the vehicle without prior permission of the Court.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

13-07-2015

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