

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2797 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 returned endorsement

dated 03.11.2015 passed in C.F.R.No.2386 of 2015 in P.R.No.802 of 2015-16 on the file of the I Additional Judicial Magistrate of First Class at Kothagudem.

2. Heard and perused the material available on record.

3. Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure before the Court below seeking to release the crime vehicle i.e., Tractor bearing No.TS 04 EA 7106 and Tractor bearing No.TS 04 ED 3077, which was returned by the Court below vide impugned order on the ground of jurisdiction. Challenging the same, present revision is filed.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting 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.

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

6. Considering these circumstances, it is directed that the vehicle i.e. Tractor bearing No.TS 04 EA 7106 and Tractor bearing No.TS 04 ED 3077, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner executing a personal bond for Rs.3,00,000/- (Rupees three lakhs only) with one surety for the like sum to the satisfaction of the learned I Additional Judicial Magistrate of First Class at Kothagudem. 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 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.

7. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

26th November, 2015

sj