

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1788 OF 2015

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ORDER:

This Criminal Revision Case is filed against the docket order, dated 18.08.2015, passed in CFR No.932 of 2015 in P.R.No.357 of 2015-16, by the I-Additional Judicial Magistrate of First Class, Kothagudem.

The case of the prosecution is that while the Excise Police, Kothagudem, conducting route watch, the petitioner and A1 found in possession of 45 liters of ID liquor in an Auto bearing No.TS-04-UA-2540. The police arrested the accused and seized the contraband and also the vehicle, under cover of panchanama. Basing on the above, Crime No.357/2015-16 was registered by the Prohibition & Excise Police, Kothagudem. The petitioner – A2 filed an application before the I-Additional Judicial Magistrate of First Class, Kothagudem, for interim custody of the Auto bearing No.TS 04 UA 2540. The learned Magistrate returned the said application on the ground of jurisdiction. Hence, this revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is exposed to sun and rain and is kept idle for a long period, it will get damaged and the petitioner is ready to furnish sufficient surety for release of the vehicle.

Learned Additional Public Prosecutor also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that the vehicle

i.e. Auto bearing No.TS 04 UA 2540, shall be released to the petitioner for interim custody, subject to final orders to be passed in the main case, on his executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum and also on production of original R.C. book. It is further directed that the petitioner shall not alienate, alter or sell the vehicle till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court. This order will not stand in the way of the respondent to proceed with 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, pending if any, shall stand closed.

RAJA ELANGO, J

August 28, 2015.
KTL