

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Case No. Crl.R.C. No.1418 of 2015

Between:

Kola Gopal S/o.Ramulu

... Petitioner/Appellant (s)

and

The State of Telangana,
rep.by Public Prosecutor, High Court,
Hyderabad, through S.H.O., Huzurnagar
Police Station, Nalgonda District.

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 24.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

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|---|---|--------|
| 1 | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1418 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 28.04.2015, passed in CF No.710 of 2015 by the Judicial Magistrate of First Class, Huzurnagar, arising out of Excise PR. No.1009 of 2014-15 of Excise Police Station, Huzurnagar.

The brief facts of the case are that during the course of conducting route-watch by the Prohibition & Excise Sub-Inspector, Huzurnagar, along with his staff, they seized a Hero Honda Splendor Plus Motorcycle bearing No.AP 28 AY 6490 along 25 liters of ID Liquor. The accused absconded from the scene of offence. Thereafter the police registered the above said crime for the offence under Section 7(A) r/w 8(e) of A.P. Prohibition Act. The petitioner, who claims to be the owner of the vehicle, filed an application before the Judicial Magistrate of First Class, Huzurnagar, for interim custody of the vehicle i.e. Hero Honda Splendor Plus Motorcycle bearing No.AP 28 AY 6490. The Court below rejected the said application through the impugned order on the ground of jurisdiction. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle, that the Court below has erroneously rejected the application of the petitioner and if the vehicle is exposed to sun and rain and is kept idle, it would get damaged. He further submitted that the petitioner is ready and willing to furnish sufficient surety for release of the vehicle.

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

Considering these circumstances, the respondent is directed to release the vehicle i.e. Hero Honda Splendor Plus Motorcycle bearing No.AP 28 AY 6490 to the petitioner for interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.40,000/- (Rupees forty thousand only) and also on production of original R.C. book. It is further directed that the

petitioner shall not alienate the vehicle or change its physical features till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court concerned. This order will not stand in the way of the respondent to proceed with the confiscation proceedings.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

July 24, 2015.
KTL