THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2777 OF 2015

ORDER:

Petitioner-Owner of the Vehicle-Accused No.2 filed this Criminal Revision Case by invoking the provision under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 13.11.2015 passed in C.F.R.No.2519 of 2015 in P.R.No.802 of 2015-16 by the I Additional Judicial First Class Magistrate at Kothagudem.

Heard.

Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure seeking to release the vehicle i.e., TATA ACE HT-2 Seater-BS-II bearing Reg. No.AP 20 Y 3614 seized in the above crime and the said application was returned by the learned Magistrate vide impugned order. Challenging the same, the present revision is filed.

Learned Counsel for the petitioner submitted that the petitioner is the owner of the vehicle and the same is very essential for his livelihood. Further, if the vehicle is kept idle for a long period there is every possibility of getting it damaged. He also submitted that the petitioner is ready to produce the vehicle as and when required by the Court.

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 vehicle i.e. TATA ACE HT-2 Seater-BS-II bearing Reg. No.AP 20 Y 3614 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of the main case, on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the like sum to the satisfaction of the I Additional Judicial

First Class Magistrate at Kothagudem and also on production of original R.C. book. 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 he shall undertake to produce the vehicle as and when required by the Court below. It is made clear that this order will not stand in the way of confiscation proceedings, if any.

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

JUSTICE RAJA ELANGO

Date : 18.11.2015
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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2777 OF 2015

DATED 18th November, 2015.

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