

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

MONDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

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

CRIMINAL REVISION CASE No.1592 of 2015

Between:

Ramavath Shankar Naik
..... PETITIONER/ACCUSED

AND

The State of Telangana, rep.by its
Public Prosecutor, High Court, Hyderabad
.....RESPONDENT

DATE OF JUDGMENT PRONOUNCED: **10.08.2015**

SUBMITTED FOR APPROVAL:

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

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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 Reporters/Journals | Yes/No |
| 3. | Whether Their Ladyship/Lordship wishes to see the fair copy of the Judgment? | Yes/No |

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

CRIMINAL REVISION CASE No.1592 of 2015

ORDER:

The petitioner is accused. His vehicle Bajaj Auto bearing registration No.AP-22Y-3152 is involved in the commission of the offence by transporting black jaggery in the said vehicle. The petitioner sought for return of the vehicle for interim custody through SR No.1224/2015 in COR No.449/2015-16. The petition was returned by the trial Court *inter alia* on the ground that it has no jurisdiction. Where the petitioner claims to be owner of the offending vehicle, I deem it appropriate to return the vehicle to the petitioner for interim custody, as the non-user of the vehicle is likely to spoil the vehicle. However, the petitioner shall have the interim custody of the vehicle on terms only.

Accordingly, this criminal revision case is allowed. Interim custody of the vehicle i.e., Bajaj Auto bearing registration No.AP-22Y-3152 be granted to the petitioner/accused, subject to the condition that the petitioner proves the ownership of the said vehicle and furnishes personal security for a sum of Rs.1,00,000/- (Rupees one lakh only) together with one surety in a like sum and also on further conditions, viz.,

- (i) the petitioner shall not tamper with the vehicle in any manner and shall maintain the vehicle as it stands as on today;
- (ii) the petitioner shall produce the vehicle as and when directed by the trial Court.

(iii) the custody is only interim custody; consequently the petitioner shall not put the vehicle to any use other than his personal use, and

(iv) the petitioner shall not sell or otherwise dispose of or alienate the vehicle until disposal of the main case.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 10.08.2015

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