

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2889 of 2015

ORDER

The petitioner–accused No.1 preferred the present Criminal Revision Case by invoking the provision under Section 482 of the Code of Criminal Procedure being aggrieved by the docket order, dated 06.10.2015 passed in Crl.M.P.No.1436 of 2015 in S.T.C.No.28 of 2015 by the XXIV Metropolitan Magistrate, Cyberabad.

2. Petitioner herein filed the impugned application under Section 451 Cr.P.C., before the Court below seeking for interim custody of one indicator of weigh bridge and whole platform set up of weigh bridge of Weitex Company, Class III, Machine No.H24020 model approval No.IND/9/03/365,Class-III seized by the second respondent/de facto complainant and the same was dismissed by the Court below vide impugned order on the ground that the petitioner committed the offence under Section 8 punishable under Section 25 of the Legal Metrology, 2009 read with Rule 13 of the Legal Metrology (General) Rules, 2011, for the second time. Challenging the same, present revision is filed.

3. Learned counsel for the petitioner submitted that the petitioner is

eking out his livelihood by running the Weigh Bridge and he purchased the said machines on payment of monthly instalments and due to some misunderstandings, the authorities concerned seized the said machines and the petitioner is ready to furnish sufficient surety and also produce the said machines as and when required by the Court.

4. Learned Additional Public Prosecutor objected for grant of interim custody of the said machine to the petitioner since the petitioner committed the above offence for second time.

5. Considering these circumstances, the authorities concerned are directed to return the case property i.e. one indicator of weigh bridge and whole platform set up of weigh bridge of Weitex Company, Class III, Machine No.H24020 model approval No.IND/9/03/365,Class-III to the petitioner for his interim custody, subject to final orders to be passed in the main case, on petitioner's executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum to the satisfaction of the XXIV Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur. It is further directed that the petitioner shall undertake to produce the said property 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.

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

RAJA ELANGO, J

26th November, 2015

sj