

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.378 of 2015

ORDER:

The petitioners assail the order dated 08.12.2014 in CrI.R.P.No.74 of 2014 passed by learned I Additional Sessions Judge, Nalgonda whereunder learned Judge while confirming the order dated 05.05.2014 in CrI.M.P.No.1041 of 2014 in Crime No.142 of 2012 of Judicial First Class Magistrate, Nakrekal, turned down the request of the petitioners to give interim custody of the crime vehicle Tata Indica Vista bearing No.AP 24 AP 4666.

2) As per prosecution, A.1 and other accused used the crime vehicle in the commission of murder of the deceased. The crime vehicle belongs to A.1 and he died pending investigation. The petitioners are the wife and children of A.1 and they sought for interim custody. Since investigation was pending and crime vehicle was being used for commission of the offence, the Courts below turned down the request of the petitioners.

3) Heard both sides.

4) The submission of petitioners is that they are the wife and children of the deceased-A.1 and if the car is left in the Police Station or the Court premises uncared, it will be damaged and therefore, interim custody may be given to them and they will produce it intact as and when directed by the Hon'ble Court.

5) Learned Public Prosecutor while opposing the petition submitted that charge-sheet has been filed by the police and submitted a copy of the charge-sheet.

6) The charge-sheet no doubt shows that the crime vehicle has been used in commission of the offence. However, that alone cannot be a ground to reject the request for interim custody particularly when the registered owner seeks for interim custody. The copy of the Registration Certificate (R.C) issued by R.T.A, Nalgonda filed

herewith shows that the crime vehicle originally stood in the name of A.1 and now it stands in the name of first petitioner. The petitioners being the widow and minor children of the deceased-A.1, their chances of using the crime vehicle for committing the similar offence or other offences are very remote. Therefore, in the considered view of this Court, in the interest of justice, the interim custody of the vehicle can be given to the petitioners, ofcourse on strict terms.

7) Accordingly, this Criminal Petition is allowed by setting aside the orders of the Courts below with the following directions:

- i. The interim custody of the crime vehicle i.e, Tata Indica Vista bearing No.AP 24 AP 4666 shall be given to the petitioners on their surrendering the original R.C before the Judicial First Class Magistrate, Nakrekal and keeping certified copy of R.C with them.
- ii. The petitioners shall produce a third party property security worth Rs.3,00,000/- (Rupees Three Lakhs only) to the satisfaction of the Judicial First Class Magistrate, Nakrekal.
- iii. Upon getting interim custody, the petitioners shall not alienate or encumber the crime vehicle in any form without prior approval of the trial Court.
- iv. The petitioners shall not alter the registration number, colour and features of the crime vehicle without prior intimation and permission of the trial Court.
- v. The petitioners shall produce the crime vehicle before trial Court as and when directed.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 10-02-2015

SCS