

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.965 OF 2015

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ORDER:

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The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 22-05-2015 passed in Crl.M.P.No.338 of 2015 in Cr.No.39 of 2015 by the Judicial Magistrate of First Class, Vemulawada.

Heard.

When the petitioner approached the Court below for interim custody of the vehicle i.e., Tractor bearing No.AP-15-TA-7781 with its trailer bearing No.AP-15-TA-7782, the Court below dismissed the application. Challenging the same, present revision has been preferred.

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

Learned Additional Public Prosecutor objected for grant of interim custody submitting that the vehicle is involved in a crime.

The allegation levelled against the petitioner-accused is illegal transportation of sand.

Considering the circumstances of the case, it is directed that vehicle i.e., Tractor bearing No.AP-15-TA-7781 with its trailer bearing No.AP-15-TA-7782 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main

case, on his executing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum 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. However, it is made clear that the present order will not stand in the way of confiscation proceedings, if any.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

16th June 2015.

skmr