

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2164 of 2015

ORDER:

-

1. This Criminal Revision Case is filed by the petitioner aggrieved by the show cause notice in O.M.Dis.No.933 of 2015, dated 23.9.2015 issued in C.C.No.174 of 2015 by the Principal Judicial Magistrate of First Class, Mancherial.

2. Brief facts of the case are as follows:

On 24.1.2011 at about 5 hours, Junior Inspector of Singareni Collieries Company Limited caught hold of a lorry bearing No.AP 29 T 2106 loaded with coal. On enquiry, the driver of the vehicle failed to produce the documents and further, the driver revealed that he purchased the said coal from the village. The vehicle was seized. Based on the complaint lodged by the Junior Inspector, a crime was registered and after filing the final report, the same was numbered as C.C.No.174 of 2015. While so, the petitioner filed a petition seeking interim custody of the vehicle seized in the above crime.

3. The learned trial Judge ordered release of the vehicle in favour of the revision petitioner on condition of her executing a personal bond for a sum of Rs.1,00,000/- with two sureties and undertaking to produce the vehicle as and when required. In pursuance of the order the revision petitioner got the interim custody of the vehicle. Subsequently, as the petitioner failed to produce the vehicle before the trial Court in spite of issuance of notice and receipt of notice, the trial Court issued the show cause notice impugned herein.

4. It is the case of the petitioners that the vehicle in question was purchased by the petitioner on hire purchase and since the petitioner did not repay the amount, the vehicle in question was seized and sold away by the authorities of Sriram Chits Company and therefore, the petitioner is not in a position to produce the vehicle before the trial Court. The trial Court issued the notice impugned herein to submit the explanation of the petitioner as to why her bond of Rs.1,00,000/- should not be

forfeited to the State exchequer.

5. This Court is of the view that the present revision against the show cause notice is not maintainable as it is a premature one. However, considering the facts and circumstances of the case, liberty is given to the petitioner to file her explanation/reply before the trial Court informing all the facts which were narrated before this Court. On such explanation/reply being filed, the trial Court is directed to consider the grounds raised by the petitioner herein, i.e., the petitioner is a lady and she purchased the vehicle on hire purchase and the said vehicle was seized and sold away by Shriram Chits company, and then, pass appropriate orders in accordance with law. If the petitioner is aggrieved by the order that would be passed by the trial Court, she is at liberty to approach this Court.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 30.9.2015

Nn

HONOURABLE SRI JUSTICE RAJA ELANGO

-

-

-

-
-
-
-
-
-
-
-
-

CRIMINAL REVISION CASE No.2164 of 2015

-
-
-
-

30.9.2015

Nn

-