

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2397 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-owner of the property aggrieved by the order dated 8.9.2015 passed in Crl.M.P.No.1411 of 2015 in C.C.No.77 of 2015 by the Special Mobile Judicial Magistrate, Kakinada.

2. The petitioner herein filed the above Crl.M.P. under Sections 451 and 457 Cr.P.C seeking interim custody of the following case property seized by the respondent-police in Cr.No.74 of 2014 registered for the offence under Section 461 and 380 IPC of Port Police Station, Kakinada:

- 1) 3-1/2 Lndng Npple 2.562" Polished Bore 15 K (7 in No.)
- 2) Tailpipe Adptr SBPckr 3-1/2" 12.7# VTPn Conn(5 in No.)
- 3) 3 1/2" Permanent Flapper Lockout Tool (1 in No.)
- 4) 3 1/2" Hydraulic Communication Tool (1 in No.)
- 5) 3 1/2" TRSSV (2 in No.)
- 6) 3 1/2" Flow Tube Exercise Tool (1 in No.)
- 7) 3 1/2" Flow Tube isolation sleeve (2 in No.)
- 8) Standing valve, size 2.562, 2-12 SLB (2 in No.)
- 9) Compatible Plug W/prongs 2 trip system (1 in No.)
- 10) Locating Nipple size 2.562, Type-S2 (1 in No.)
- 11) 3 1/2" WR SCSSV insert Valve (2 in No.)
- 12) 3 1/2" Double Seal anchor latch (1 in No.)
13. 3 1/2" Double Seal anchor latch (1 in No.)
14. MLS Tiebck tool 13-3/8X9-5/8 53.5 #TCIIBx (2 in No.)
15. MLS Tiebck tool 7" NSCC 35# box thrd(2 in NO.)

The learned Magistrate ordered for return of the property in question on condition of the petitioner executing a Nationalized Bank surety for a sum of Rs.50 lakhs (Rupees Fifty Lakhs only). The trial Court also directed the petitioner not to alter or change the shape, colour, not to pledge, transfer or alienate the above said property and further, to produce the material as and when required by the trial Court. Aggrieved by the conditions imposed by the trial Court in the order under revision, the petitioner filed this revision.

3. Heard and perused the material available on record.
4. The main grievance of the petitioner is that the petitioner being a Government Undertaking Corporation, cannot comply with the onerous condition imposed by the trial Court for execution of surety for a sum of Rs.50 lakhs.
5. Considering the facts and circumstances of the case, this Court is inclined to set aside the condition of bank surety only.
6. Accordingly, the Criminal Revision Case is disposed of setting aside the condition of execution of Nationalized Bank surety for a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only). The other conditions shall remain. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 30.10.2015

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