

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.654 of 2015

ORDER:-

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. questioning the order dated 20.02.2015 passed by learned Special Mobile Magistrate at Guntur in CrI.M.P.No.716 of 2015 wherein the application filed by the petitioner under Section 457 Cr.P.C. seeking interim custody of lorry bearing registration No.TN 37L 1024 in Crime No.922 of 2014 of Nallapadu Police Station, Guntur District, registered for the offences punishable under Sections 5, 6, 10 & 11 of A.P. Prohibition of Cow Slaughter and Animal Preservation Act, 1977, was returned on the ground that the said application is not maintainable.

Learned counsel for the petitioner submits that there is every possibility of the lorry getting damaged, if it is kept exposed to air, sun and rain at the police station premises and hence seeks interim custody of the lorry. Learned Additional Public Prosecutor though opposed the revision, but did not dispute the ownership of the lorry.

In ***Surenderbhai Ambalal Desai v. State of Gujarat***, the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

Since there is no dispute with regard to the ownership of the lorry and as it is also not dispute that the A.P. Prohibition of Cow Slaughter and Animal Preservation Act, 1977 prohibits grant of interim custody of the vehicle and having regard to the principles of law laid down by the Apex Court in the decision stated supra,

I am inclined to grant interim custody of lorry bearing registration No.TN 37L 1024 seized in Crime No.922 of 2014 of Nallapadu Police Station, Guntur District, in favour of the petitioner on the following terms.

- i. The petitioner shall execute a personal bond for Rs.5,00,000/- (Rupees five lakhs only) with one surety for a like sum to the satisfaction of the learned Special Mobile Magistrate at Guntur.

- ii. The petitioner shall deposit the original Registration Certificate of the lorry in the Court.
- iii. The petitioner shall give an undertaking to produce the lorry as and when required either by the Investigating Agency or the Court and also give an undertaking that he will not alienate, encumber or alter the physical features of the lorry.
- iv. The RTA at Tamilnadu as well as in the State of Andhra Pradesh are directed not to issue any duplicate registration certificate or any other document in respect of the lorry.

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

C. PRAVEEN KUMAR, J

28th April, 2015

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