

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

CRIMINAL REVISION CASE No.1497 of 2015

Between:

Rathiavath Shivudu.

..Petitioner

And

1. The State of Telangana through S.H.O., Nagarkurnool
Prohibition & Excise Station, Mahaboobnagar District,
rep., by Public Prosecutor, High Court, Hyderabad
and another

..Respondents.

DATE OF JUDGMENT PRONOUNCED: 30.7.2015

SUBMITTED FOR APPROVAL:

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

1. Whether Reporters of Local newspapers may be :: Yes/No
Allowed to see the judgments?

2. Whether the copies of judgment may be marked :: Yes/No
To Law Reporters/Journals

3. Whether Their Ladyship/Lordship wish to see :: Yes/No
the fair copy of Judgment?

**THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1497 OF 2015**

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ORDER:

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1. The petitioner-owner of the vehicle filed this Criminal Revision Case under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 22.07.2015 passed in C.F.R.No.951 of 2015 in PCOR No.503 of 2013-14 by the Judicial Magistrate of First Class, Nagarkurnool.

2. Heard and perused the material available on record.

3. Petitioner herein filed the impugned application under Section 451 of the Code of Criminal Procedure seeking to release the crime vehicle i.e., TATA ACE bearing Reg.No.AP 09-VWTR-7471 and the said application was returned by the learned Magistrate on the ground that the case property was not deposited before the Court. Challenging the same, present revision is filed.

4. Learned Counsel for the petitioner submitted that the proceedings in PCOR are pending before the Court below and it has got jurisdiction to direct the respondents to produce the vehicle and to order for release of the same. He further submitted that if the vehicle is kept idle for a long period there is every possibility of getting it damaged.

5. Learned Additional Public Prosecutor also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

6. Considering the above facts and circumstances of the case, it is directed that the vehicle in question i.e. TATA ACE bearing Reg.No.AP 09-VWTR-7471. 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 a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the like sum

to the satisfaction of the Judicial Magistrate of First Class at Nagarkurnool, and also on production of original R.C. book. The petitioner is directed to file an affidavit before the Court below undertaking that he 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 produce the vehicle as and when required by the Court concerned.

7. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 30.07.2015
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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.1497 OF 2015

DATED: 30.7.2015

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