

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 414 of 2015

ORDER:

-

The present application is filed under Section 397 and 401 of Cr.P.C. aggrieved by the order dated 09-01-2014 passed in CrI.M.P.No.2088 of 2013 on the file of Special Mobile Judicial Magistrate of First Class, Kakinada, wherein the request of the petitioner for interim custody of a Car bearing No.AP 05 CK 2429 was seized by the police in Cr.No.291 of 2013 of Sarpavaram Police Station registered for the offences punishable under Sections 489(b) and 489(c) r/w.34 IPC was rejected.

The facts in gist are that on 22-09-2013 at 21.00 hours, the accused were found transporting currency notes in a car belonging to the petitioner. According to her, she is the owner of the vehicle and her son A-2 took the vehicle, without her knowledge and involved himself in the commission of offence. She submits that if the vehicle is kept in the police station, there is every likelihood of it getting damage due to exposure to the Sun and rain and as such seeks interim custody of the vehicle.

Heard the learned counsel for the petitioner and the learned Public Prosecutor for the State.

Learned Public Prosecutor opposed the application, but, however did not dispute the ownership of the vehicle.

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.

Keeping in view of the principles laid down by the Apex Court, since the petitioner is owner of the vehicle and the petitioner is not the accused in the above crime, I am inclined to grant interim custody of the vehicle to the petitioner on certain terms and conditions:

- i. The petitioner shall execute personal bond for Rs.5,00,000/- with one surety for a like sum to the satisfaction of Special Mobile Judicial Magistrate of First Class, Kakinada.
- ii. The petitioner shall not sell, mortgage or change the nature of the vehicle till the disposal of the case and she shall not create any third party rights over the said vehicle.
- iii. The petitioner shall deposit original RC book of the vehicle in the Court till the disposal of the case and obtain Certified Copy of the same.
- iv. The RTI authorities shall not issue any duplicate R.C. insofar as the vehicle is concerned till the disposal of the Revision.
- v. The petitioner shall undertake to produce the vehicle as and when required by the Court.

Accordingly, the Criminal Revision case is allowed. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Criminal Revision, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

10-04-2015

nvl

The petitioners who claim themselves to be the owners of vehicles Nos TS 06EA 2889, AP 22D 7236 and AP22S 2100/2101 filed the present Revision seeking interim custody of the vehicles in Cr.No.136 of 2014 of Achampet Police Station, Mahabubnagar District registered for the offences punishable under Sections 379 IPC and Section 3 of PDPP Act. The petitioners approached the trial Court for release of the vehicles, but out of three vehicles which are sought to be released, only one vehicle bearing No.TS 06 2889 was released on certain terms and conditions in CrI.M.P.No.2645 of 2014 on the file of Judicial Magistrate of First

Class, Achampet. Challenging the order of refusal insofar as the other two vehicles are concerned, the present revision is filed.

Learned counsel for the petitioners mainly submits that the petitioners 2 and 3 are the registered owners of the tractor and trailers bearing Nos AP22D7236 and AP 22 S 2100/ 2001 and they are not directly concerned with the alleged offence. According to him the driver has misused the said vehicles without the knowledge of the owner.

JUSTICE C. PRAVEEN KUMAR

21-11-2014

nvl

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2222 of 2014

21-11-2014

nvl

The present application is filed under Section 389(1) Cr.P.C. in this Criminal

Revision Case which is directed against the order dated 31-10-2014 passed in Crl.M.P.No.2645 of 2014 on the file of Judicial Magistrate of First Class, Achampet, filed under Section 451 Cr.P.C. seeking return of three tractors bearing registration Nos TS 06EA 2889, AP 22D 7236 and AP 22 S 2100.