

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO. 516 of 2015

ORDER:

Upon hearing the learned counsel for petitioner, at the admission stage, the petition is ordered as follows:

It is seen that the offences alleged in this case are under Section 34(e) of A.P. Excise Act, 1968 and Section 3 of GUR (Regulation of Use) Order, 1968. The grievance of the petitioner is that he is the registered owner of the vehicle i.e., Piaggio Goods Carriage LMV Diesel Auto Rickshaw bearing No. AP 36 Y 0416 and the police have seized the vehicle and kept in the premises of Raghunathpally Police Station, Warangal District and it is subjected to speedy and natural decay and the learned Judicial First Class Magistrate, Jangaon, Warangal District, dismissed his petition in Crl.M.P.No.57 of 2014 on an erroneous ground that he has no jurisdiction to entertain the petition.

Having regard to the fact that the offences alleged are under Section 34(e) of A.P. Excise Act and Section 3 of GUR (Regulation of Use) Order, 1968 and as per Section 46 of the Excise Act, the Deputy Commissioner of Prohibition and Excise is the competent authority to pass an order for confiscation /release and interim custody etc., the petitioner is directed to file a petition seeking interim custody of the property seized and the Deputy Commissioner of Prohibition and Excise shall pass an order on merits thereon within one week from the date of filing of the petition before him.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

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Dt. 06.02.2015

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