

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL REVISION CASE No.267 of 2015**

**ORDER:**

The petitioner/A-2, who is claiming himself to be the owner of vehicle, filed the present Revision under Section 397 and 401 Cr.P.C., aggrieved by the docket order dated 16.02.2015 in CrI.M.P.No.8358 of 2014 in C.C. No.1200 of 2014, wherein the request of the petitioner for release of the crime vehicle bearing No.A.P.10-AQ-0582, was rejected.

The petitioner herein along with two others were charge-sheeted for the offences punishable under Sections 363 and 323 read with 34 IPC. The allegations in the charge-sheet are as under :

L.W.2, who is the victim in the present case was working as Manager in Sangeetha Mobile Showroom, Bhimavaram. Previously the victim got addicted to luxuries and borrowed several loans. L.W.1, who is father of L.W.2 cleared off the debts of his son i.e., an amount of Rs.1 lakh on two occasions. Prior to 10.11.2014, the victim borrowed an amount of Rs.1,60,000/- from A-1 without the knowledge of L.W.1 agreeing to repay the same with interest at Rs.5/- for each hundred rupees within a month. As L.W.2 failed to clear the amount, A-1 thought of abducting L.W.2 in order to get back his due amount. On 10.11.2014 A-1 and A-2 visited the house of L.W.1 and informed him about the debt, but he failed to clear the debt despite repeated demands made by them. While the matter stood thus, on the intervening night of 10/11.11.2014 at about 1.30 hours A-1 and A-2 followed L.W.2 and when he reached near B.V.Raju park, A-1 and A-2 kidnapped him, took him in a Car to their house, beat him with hands, took him to Lakshmipuram village, Krithivenu Mandal, Krishna District in the crime vehicle and confined him there at the house of A-3. On 11.11.2014 at about 5.00 p.m., L.W.2 contacted his father L.W.1 and informed about the abduction by A-1 and A-2. Thereafter L.W.1 turned up to the Police Station and lodged a report alleging kidnap of his son.

An application for interim custody of the vehicle was rejected on the ground that in the original R.C. book does not show the petitioner as a registered owner of the above vehicle. Since the vehicle is not in the name of the petitioner, the original

owner in whose name the R.C., was made as a party and notice came to be issued to him. The said notice was served on 16.03.2015, but till date none entered the appearance. It is true that the vehicle is not in the name of the petitioner, but learned counsel for the petitioner placed material to show that he purchased vehicle from his vendor and that he is the owner of the vehicle. It is stated by him that while effort was being made to get the vehicle registered in the name of the petitioner, the incident took place. He placed on record Form 28, 29 and 30 to show that steps are being taken for getting the vehicle transferred in the name of the petitioner. As stated earlier, notice sent to the original owner though served is not presented by any one. In fact there are no claimants claiming the said property. Therefore, it is to be presumed that the petitioner is the owner 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.

Taking into consideration the facts and circumstances of the case and having regard to the principles of law laid down by the Apex Court in the decision stated supra and as there are no rival claimants, I am inclined to grant interim custody of the vehicle Hyundai Company Accent Car bearing No.A.P.10-AQ-0582 seized in Crime No.193 of 2014 of Bhimavaram I Town Police Station, in favour of the petitioner on the following terms:

- i. The petitioner shall execute a personal bond for Rs.3,00,000/- (Rupees three lakhs only) with one surety for a like sum to the satisfaction of the II Additional Judicial Magistrate of First Class, Bhimavaram.
- ii. The petitioner shall produce the original Registration Certificate of the vehicle in the Court.
- iii. The petitioner shall give an undertaking to produce the vehicle as and when required by the Court and also an undertaking not to alienate, encumber or alter the physical features of the vehicle Hyundai Company Accent Car bearing No.A.P.10-AQ-0582 ;

Accordingly, the Criminal Revision is allowed.

As a sequel thereto, Miscellaneous Petitions pending if any in this Revision,

shall stand closed.

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**C. PRAVEEN KUMAR, J**

Date: 06.04.2015

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