

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2859 OF 2015

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ORDER:

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The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 06-11-2015 passed in C.F.R. No.2578 of 2015 in C.O.R.No.582 of 2015-16 by the Judicial Magistrate of First Class at Peddapally.

Heard and perused.

When the petitioner approached the Court below for interim custody of the vehicle i.e., Mini Van bearing Reg.No.AP-25-V-4703, the Court below returned the same for want of jurisdiction. Challenging the same, present revision has been preferred.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He also submitted that the petitioner is ready to produce the vehicle as and when required by the Court.

Learned Additional Public Prosecutor objected for grant of interim custody submitting that the vehicle is involved in a crime.

Considering the facts and circumstances of the case, it is directed that vehicle i.e., Mini Van bearing Reg.No.AP-25-V-4703 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 Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the trial court and also on production of original R.C. book. It is further directed that the petitioner 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 undertake to produce the vehicle as and when required by the Court. However, it is made clear that the present order will not stand in the way of confiscation proceedings, if any, already passed. Further, this order does not preclude the authorities from passing any confiscation proceedings.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

24th November, 2015.

skmr