

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1186 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the docket order dated 29.06.2015 passed in C.F.R.No.4687 of 2015 in P.R.No.40 of 2015-16 on the file of the Additional Judicial Magistrate of First Class at Kavali, whereby the learned trial Judge dismissed the petition filed by the petitioner for release of the vehicle i.e., Lorry bearing No.AP 16 TY 1717, for want of jurisdiction.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is the owner of the aforesaid vehicle and if the vehicle is kept idle for a long period, it will get damaged and hence, he prays to allow the petition.

Learned Additional Public Prosecutor opposed for the same.

Considering the facts and circumstances, it is directed that the vehicle i.e., Lorry bearing No.AP 16 TY 1717, shall be released to the petitioner for interim custody, subject to final orders to be passed in main case, on his executing a personal bond for Rs.4,00,000/- (Rupees four lakhs only) with one surety for a like sum to the satisfaction of the concerned, and subject to production of all the documents relating to the vehicle in question. The petitioner shall also give an undertaking not to sell, alter or alienate the said vehicle and produce the same as and when directed by the trial Court. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

01.07.2015

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