

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL REVISION CASE No.2924 of 2015

ORDER:

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (for short, 'Cr.P.C') being aggrieved by docket order, dated 18.09.2015, in CrI.M.P.No.1113 of 2015 in C.R.No.197 of 2015 passed by the X Metropolitan Magistrate, Cyberabad, Malkajgiri.

Heard and perused the material available on record.

Petitioner herein filed the aforesaid CrI.M.P. under Section 451 Cr.P.C. before the Court below seeking release of crime vehicle i.e., TATA goods carrier bearing No.AP-29-TB-3666 and the same was dismissed on the ground that as per sub section (3) of Section 6-A of the Essential Commodities Act, 1955 (for short, 'the Act'), the vehicle, in which commodity is transporting, is also liable for confiscation. Challenging the same, present revision is filed.

Learned counsel for the petitioner submitted that the property seized was not produced before the Joint Collector as per Section 6-A of the Act and hence, he prays to release the vehicle.

Learned Additional Public Prosecutor objects for the same, because the vehicle is involved in a crime.

Considering these circumstances, it is directed that the vehicle i.e., TATA goods carrier bearing No.AP-29-TB-3666, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on executing a personal bond for Rs.2,00,000/- (Rupees two lakhs only) with one surety for a like sum to the satisfaction of the X Metropolitan Magistrate, Cyberabad, Malkajgiri, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate or change the physical features of the vehicle till disposal of the main case. He shall also 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 any confiscation proceedings. If already confiscation orders are passed, the order

need not be given effect to.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

M.S.K. JAISWAL, J

NOVEMBER 30, 2015

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THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

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Date:30.11.2015

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