

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1136 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 21.05.2015, passed in Crl.M.P. No.1641 of 2015 in COR No.1559 of 2014-15, by the Special Judicial Magistrate of First Class, (Prohibition & Excise Cases), Khammam.

The brief facts of the case are that on reliable information, the Prohibition & Excise Sub-Inspector, Khammam, along with his staff, conducted route-watch near vegetable market, Khammam. While checking the vehicles, he found the accused in illegal possession of ID liquor carrying on a TVS Star City bike bearing registration No.AP 20 Q 3514. Then, the Sub-Inspector seized the contraband and the vehicle under cover of panchanama and arrested the accused and sent him to judicial custody. The petitioner, who is said to be the owner of the vehicle, filed Crl.M.P. No.1641 of 2015 before the trial Court for interim custody of the vehicle. The trial Court dismissed the said application on the ground of jurisdiction through the impugned order. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that he is the owner of the vehicle, and the Court below has erroneously dismissed the application of the petitioner and if the vehicle is exposed to sun and rain and is kept idle, it would get damaged. He further submits that the petitioner is ready and willing to furnish sufficient surety for release of the vehicle.

Learned Public Prosecutor also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that the vehicle bearing registration No. AP 20 Q 3514 shall be released to the petitioner for interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.30,000/- (Rupees thirty thousand only) and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle or change its physical features till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court concerned. This order will not stand in the way of the respondent to proceed with the confiscation proceedings.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 26, 2015.
KTL