

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2561 of 2015

ORDER

Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 28-10-2015 passed in Crl.M.P.SR.No.3736 of 2015 in COR No.274/2015-16 on the file of the Judicial First Class Magistrate, Yellandu.

Heard and perused.

When the petitioner approached the Court below for interim custody of the vehicle bearing registration No.AP 36 S 5309 (Hero Honda Passion Plus Motorcycle), the Court below dismissed the application. Challenging the same, the present revision has been preferred.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle. Further, 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 bearing registration No. AP 36 S 5309 (Hero Honda Passion Plus Motorcycle) 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 a sum of Rs.20,000/- (Rupees Twenty thousand 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.

Accordingly, the Criminal Revision Case is allowed.

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

JUSTICE RAJA ELANGO

02nd November, 2015

skmr