

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

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**CRIMINAL REVISION CASE No.892 OF 2015**

**ORDER:**

The petitioner has preferred the present criminal revision case by invoking the provision under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order dated 05.05.2015 passed in Cr.No.280/2015/P&Ex/A2, by the Deputy Commissioner of Prohibition & Excise, Khammam, whereby the petitioner is directed to furnish the Fixed Deposit Receipt for Rs.1,89,000/- (Rupees one lakh and eighty nine thousand only) for interim custody of the vehicle i.e., Mahindra Maximo bearing No.TS 04 UA 0315.

Heard.

Learned counsel for the petitioner submitted that the petitioner is the owner of the aforesaid vehicle and he is not in a position to mobilize the amount of Rs.1,89,000/- and he is ready to execute a bond for the said amount with third party surety, and hence, he prays to allow the revision.

Learned Additional Public Prosecutor opposed for the same.

Considering the facts and circumstances, it is directed that the vehicle i.e., Mahindra Maximo bearing No.TS 04 UA 0315 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.1,89,000/- (Rupees one lakh and eighty nine thousand only) with one surety for a like sum, to the satisfaction of the authorities concerned, instead of submitting FDR 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 allowed. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand

closed.

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**JUSTICE RAJA ELANGO**

09.06.2015

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