

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.963 of 2015

ORDER:

This revision is preferred challenging the docket order dated 02-06-2015 passed by the Judicial First Class Magistrate, Kodad, Nalgonda District in CrI.M.P. No.1066 of 2015 in Cr.No.97 of 2015, wherein the learned Magistrate dismissed the petition filed by the petitioner invoking the provisions under Section 457 Cr.P.C. to release the vehicle.

Admittedly, the petitioner is the owner of the vehicle and he is an accused before the trial Court. The committal court dismissed the application on the ground that the case is triable by Sessions and the vehicle is liable to be confiscated at the end of the trial.

This Court is of the view that an interim order can be passed even though the vehicles are liable to be confiscated at the end of trial. Even though the offence is triable by Sessions, it does not prevent the learned Judge of the committal Court to return the property concerned.

Considering the circumstances of the case, it is directed that the vehicle i.e. Tractor bearing No.AP 07 N 0833 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 Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum 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 any confiscation proceedings, if any.

Accordingly, the Criminal Revision Case is allowed.

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

RAJA ELANGO, J.

16th June, 2015

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