

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.422 of 2015

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ORDER:

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The present revision is filed under Sections 397 and 401 Cr.P.C. questioning the order dated 03.12.2014 passed in CrI.M.P.No.122 of 2013 in Crime No.72 of 2013 on the file of the Principal Sessions Judge, Prakasam at Ongole, wherein and where under a petition filed under Section 457 Cr.P.C. seeking interim custody of vehicle bearing No. AP 02 AJ/6666 Mahindra XUV 500 was rejected.

The petitioner is the registered owner of the vehicle bearing No. AP 02 AJ/6666. A case in Crime No.72 of 2013 of Ongole I Town Police Station came to be registered against the accused for the offences punishable under Section 420 IPC, Sections 4 and 5 read with 2 and 3 of Prize Chits Money Circulation Schemes (banning) Act, 1978 and Section 5 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1995. It is alleged that when the petitioner came to Ananthapur for handing over the pickles to his sister (A-2), the police seized the said vehicle.

Learned counsel for the petitioner mainly submits that the petitioner, who is the owner of the vehicle has nothing to do with the offence and that no useful purpose would be served in keeping the vehicle idle in the police station.

The learned Additional Public Prosecutor though opposed the application but however did not dispute the ownership of the vehicle and also the vehicle being in the custody of the Court.

A perusal of the material placed before this Court would indicate that a petition filed under Section 457 of Cr.P.C. seeking release of the vehicle was rejected by the learned Sessions Judge on the ground that there was

misappropriation of crores of rupees.

In ***Surenderbhai Ambalal Desai v. State of Gujarat***, the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

Taking into consideration the facts and circumstances of the case and having regard to the principles of law laid down by the Apex Court in the decision stated supra, I am inclined to grant interim custody of the vehicle bearing No.AP 02 AJ/6666 Mahindra XUV 500 seized in Crime No.72 of 2013 of Ongole I Town Police Station, in favour of the petitioner, provided the vehicle is in the custody of the regular police and no confiscation proceedings are initiated, on the following terms and conditions.

- i. The petitioner shall execute a personal bond for Rs.3,00,000/- (Rupees three lakhs only) with one surety for a like sum to the satisfaction of the II Additional Munsif Magistrate, Ongole.
- ii. The petitioner shall deposit the original Registration Certificate of the vehicle in the Court.
- iii. The petitioner shall give an undertaking to produce the vehicle as and when required by the Court and also give an undertaking not to alienate, encumber or alter the physical features of the vehicle bearing registration No.AP 02 AJ/6666;

Accordingly, the Criminal Revision Case is allowed.

As a sequel thereto, Miscellaneous Petitions pending if any in this criminal revision, shall stand closed.

C. PRAVEEN KUMAR, J

Dt:10.04.2015

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