

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1125 OF 2015

ORDER:

This Criminal Revision Case is filed against order, dated 12.06.2015, passed in CrI.M.P.No.15 of 2015 in Cr. No.135/2015 of Mills Colony Police Station, Warangal (U) District, by the Special Judicial Magistrate of First Class for Prohibition & Excise Cases, Warangal.

The brief facts of the case are that on reliable information, the Assistant Sub-Inspector of Police of P.S., Mills Colony along with his staff, conducted vehicle checking and when they reached Gavicherla Cross Road, Rangashaipet, Warangal, they found one lorry bearing registration No.AP 31 TW 7839 came from Wardhannapet side and the movements of the driver and cleaner were under suspicious circumstances. On seeing the police, the driver and cleaner tried to escape from that place. The police apprehended the driver and cleaner and on checking the lorry, they found black jaggery, alum and ID liquor. In the presence of mediators, the ASI seized the contraband and the vehicle and arrested the accused. Thereafter, the police registered the above said crime for the offence under Section 34(e) of A.P. Excise Act and 7 (A) of the A.P. Prohibition Act. The petitioner, who claims to be the owner of the lorry, filed CrI.M.P. No.15 of 2015 before the Special Judicial Magistrate of First Class for Prohibition & Excise Cases, Warangal for interim custody of the vehicle. The Court below rejected the said application through the impugned order on the ground of jurisdiction. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below has erred in rejecting 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.

Having regard to the facts and circumstances of the case and also in view of the submission of the learned Public Prosecutor, this Court is of the view that the vehicle can be released to the petitioner for his interim custody.

Accordingly, the Criminal Revision Case is disposed of directing the respondent to release the vehicle bearing registration No. AP 31 TW 7839 in favour of the petitioner for his interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.4,00,000/- (Rupees four lakhs 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.
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