

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4823 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 Cr.P.C., seeking to release the vehicle of the petitioner i.e., Hero Honda Motor Cycle bearing Registration No.TS 05 EE 8938 seized in PR No.23 of 2016 on the file of the Station House Officer, Prohibition and Excise, Huzurnagar, Nalgonda District.

2. Heard and perused the material available on record.

3. The petitioner herein filed a petition under Section 457 Cr.P.C. before the Judicial Magistrate of First Class at Huzurnagar seeking release of the aforementioned vehicle seized in connection with PR No.23 of 2016 on the file of the Station House Officer, Prohibition and Excise, Huzurnagar for the offences punishable under Section 34 (e) of the A.P. Excise Act, 1968 and Telangana Adoption Order, 2015. The learned Magistrate returned the said application on the ground of jurisdiction. Aggrieved by the same, the present Criminal Petition is filed.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Additional Public Prosecutor objected for the same, since the vehicle is involved in a crime.

6. Considering these circumstances, it is directed that the vehicle i.e. Hero Honda Motor Cycle bearing Registration No.TS 05 EE 8938 shall be released for interim custody of the petitioner, subject

to final orders to be passed in the main case, on petitioner furnishing a bank guarantee for Rs.25,000/- (Rupees Twenty Five thousand only) with one surety for the like sum to the satisfaction of the Judicial Magistrate of First Class at Huzurnagar, 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, the petitioner 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 already confiscation orders are passed, the order need not be given effect to.

7. With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

7.4.2016
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