

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1322 of 2016

ORDER:

This Criminal Revision Case is filed under Section 482 Cr.P.C. seeking to release the vehicle of the petitioner i.e. Auto ACE bearing Regd.No.AP 24 TB 8129 seized in C.O.R.No.119 of 2016 by the Prohibition and Excise Police Station, Huzurnagar, Nalgonda District.

Heard and perused the material available on record.

The petitioner herein filed a petition under Section 457 Cr.P.C. seeking release of the Auto APE bearing No. Regd.No.AP 24 TB 8129 seized by the Prohibition and Excise Police, Huzurnagar, in connection with the crime in COR No.119 of 2016, for the offence punishable under Section 34(a) of the A.P. Excise Act. The learned Judicial Magistrate of First Class, Huzurnagar, returned the said application, on the ground of jurisdiction. Aggrieved by the same, the present criminal petition is filed.

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.

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

Considering these circumstances, it is directed that the vehicle i.e. Auto APE bearing Regd.No.AP 24 TB 8129, 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.50,000/- (Rupees fifty thousand only) to the satisfaction of the Judicial Magistrate of First Class, Huzurnagar, Nalgonda District 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.

With the above directions, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending if any, shall stand closed.

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RAJA ELANGO, J

June 08, 2016.
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