

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15072 OF 2016

ORDER:

This Criminal Petition under Section 482 read with 457 Cr.P.C is filed by the petitioner/owner of the vehicle Auto Rickshaw bearing registration No.AP-20-Y-1120, which was seized in Crime No.218 of 2016 of Station House Officer, Maripeda Police Station, Warangal District, to direct the said S.H.O to forthwith release the vehicle by permitting the petitioner to furnish third party security.

2. The case of the prosecution is that while the complainant-B.Bichya Naik was proceedings towards Purushothamayagudem Bridge, he found the aforesaid Auto carrying PDS rice of 16 bags, each bag containing 50 kgs., total 8 quintals. Immediately, the auto was stopped and verified the contents of bags and found that the said rice belongs to one Srirangam Upender, who the vendor and seized both the auto and PDS rice. On the strength of the same, police registered the aforesaid crime against the driver of auto and vendor for the offence punishable under Section 420 IPC and Sections 7 and 8 of the Essential Commodities Act.

3. Learned counsel for the petitioner would submit that the petitioner is owner of the vehicle in question and he is ready to produce the original Registration Certificate issued by the Government of Telangana, Transport Department and driving licence to prove that the petitioner is owner of the vehicle; that if the vehicle is under the custody of police and parked outside the station without any protection and in case the vehicle is allowed to remain there, it would expose to sun and rain and in due course of time, it would get

repairs and cause loss to the petitioner and therefore, he prays to release the vehicle in question.

4. On the other hand, learned Public Prosecutor for the State of Telangana did not dispute the same, but to impose some conditions for release of the vehicle i.e., furnishing security and release on obtaining undertaken for production of vehicle as and when required by the authority concerned or Court.

5. Considering the facts and circumstances of the case, the vehicle Auto Rickshaw bearing registration No.Ap-20-Y-1120 shall be released in favour of the petitioner, for interim custody subject to final orders to be passed in the proceedings pending before the concerned authorities, on executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the same amount to the satisfaction of the concerned Court. The petitioner shall produce original Registration Certificate of the vehicle and he shall not change, alienate or create any third party interest till disposal of the proceedings pending before the Court concerned and he shall also produce the vehicle in question as and when directed by the authorities concerned.

6. With the above direction, the Criminal Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending this petition shall stand closed.

M.SATYANARAYANA MURTHY, J

OCTOBER 27, 2016
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Date: 27.10.2016

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