

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 2389 OF 2016

ORDER:

The present Criminal Revision Case is filed against an order dated 27.06.2016 passed in CrI.M.P. No.2056 of 2016 by the learned I Additional Judicial Magistrate of First Class, Proddatur, wherein an application filed by the petitioner for release of the vehicle viz. Tata Indica Vista bearing registration No.AP02AL 9136, which was seized in connection with crime No.141 of 2016 of I Town police station, Proddatur registered for the offences punishable under Sections 353, 307, 109 read with 34 IPC and 9 (1) of the A.P. Gaming Act, was dismissed.

2. The learned counsel for the petitioner mainly submits that the petitioner who is the owner of the vehicle is innocent of the offences alleged in the aforesaid crime and the driver of the said vehicle has misused the same. He further submits that the petitioner was not present at the time of the alleged incident and even the FIR was not registered against him.

3. The learned Additional Public Prosecutor opposed the application.

4. The fact which remains undisputed is that the petitioner is the owner of the vehicle in question. Even the learned Additional Public Prosecutor on instructions did not dispute the said fact. In *Surenderbhai Ambalal Desai v. State of Gujarat*¹, 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

¹ (2002) 10 SCC 283

vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

4. 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 viz. Tata Indica Vista bearing registration No.AP02AL 9136, which was seized in connection with crime No.141 of 2016 of I Town police station, Proddatur, in favour of the petitioner on the following terms and conditions.

- i) The petitioner shall execute a personal bond for Rs.2,00,000/- (Rupees Two lakhs only) with one surety for a like sum to the satisfaction of the I Additional Judicial Magistrate of First Class, Proddatur.
- ii) The petitioner shall deposit the original Registration Certificate of the vehicle in the Court and use his vehicle by obtaining a certified copy of the same from the said Court.
- iii) The petitioner shall give an undertaking to produce the vehicle as and when required by the Court and also an undertaking not to alienate, encumber or alter the physical features of the vehicle;
- iv) This order shall not preclude the authorities in proceeding further in accordance with law.

5. Accordingly, the Criminal Revision Case is allowed.

As a sequel thereto, Miscellaneous Petitions pending if any in this Criminal Revision Case, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 21.09.2016
DRK

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