

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15750 OF 2016

ORDER:

This Criminal Petition is to order for return of the vehicle bearing No.AP 29 TB 8966 in Crime No.50 of 2016 of Uppununthala Police Station, registered for the offences punishable under Section 34 (E), 34H-1, 34(G) of A.P.Excise Act.

Heard the learned counsel and perused the material available on record.

The Deputy Executive Commissioner alone is competent to pass an order for return of the property, but not the court of Judicial Magistrate of First Class.

Hence, the order passed by the Judicial First Class Magistrate, Achampet on 25-10-2016 in CrI.M.P.No.1843 of 2016 in Cr.No.50 of 2016 of Uppununthala Police Station suffers from illegality as judicial Magistrate is incompetent to pass such an order.

Hence, this Criminal Petition is dismissed.

However, liberty is granted to the petitioner to file an appropriate application for the release of bearing No.AP 29 TB 8966 in Crime No.50 of 2016 of Uppununthala Police Station, before the Deputy Executive Commissioner under A.P.Excise Act.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE M.SATYANARAYANA MURTHY

Dated 8-11-2016.

Dvs.



HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dvs