

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL REVISION CASE No.1079 OF 2016

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ORDER:

The present revision is filed against the order in Crl.M.P.No.590 of 2016 in C.C.No.99 of 2016 passed by the Judicial Magistrate of First Class, Kothapeta, seeking interim custody of Tractor bearing No.AP 37 BG 4815 and trailer bearing No.AP 27 N 2438 which was seized in connection with Crime No.48 of 2016.

The facts in issue are as under :

A charge sheet came to be filed against one Srinivasa Rao who is the husband of petitioner herein for the offence punishable under Section 379 of Indian Penal Code. The allegations in the charge sheet are that the petitioner is the owner and the accused-husband of the petitioner is the driver of the said tractor trailer, committed theft of sand in River Godavari at Mondepulanka and transporting the same for doing illegal business and for wrongful gain without any permission from the concerned authority and thereby committed the alleged offence.

After filing of charge sheet an application in Crl.M.P.No.590 of 2016 in C.C.No.99 of 2016 came to be filed seeking release of the said vehicle by the petitioner herein on the ground that if the vehicle is kept idle and exposed to sun and rain, it may cause lot of damage to the vehicle and that they are eking out their livelihood by transporting the goods.

The trial Court observed that the said vehicle was earlier involved in Crime No.11 of 2016 for the very same offence, and after its release the vehicle was again alleged to have been used for transporting the sand, which is the subject matter of this case thus violating the conditions imposed in Crime No.11 of 2016. It is also to be noted that if the vehicle is kept idle and exposed to sun and rain there is every possibility of vehicle getting damaged.

Having regard to the facts and circumstances of the case, the

Criminal Revision Case is allowed and the Tractor bearing No.AP 37 BG 4815 and trailer bearing No.AP 27 N 2438 shall be released in favour of the petitioner on certain 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 Judicial Magistrate of First Class, Kothapeta.
- ii) The petitioner shall produce the original Registration Certificate of the vehicle in the 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 Tractor bearing No.AP 37 BG 4815 and trailer bearing No.AP 27 N 2438.
- iv) This order shall not preclude the authorities in proceeding further in accordance with law.

Miscellaneous petitions, if any, pending in this criminal revision case shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:28.04.2016.
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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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Dated : 28.04.2016

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