

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.3308 of 2015

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ORDER:

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The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 26-11-2015 passed in CrI.M.P.No.6319 of 2015 in C.O.R.No.866 of 2015-16 on the file of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam, wherein and whereby the learned Magistrate dismissed the application filed by the petitioner invoking the provisions under Section 457(1) Cr.P.C. seeking to release the vehicle i.e., Honda Shine bike bearing registered No.AP 36 AZ 1189 for the interim custody of the petitioner.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle. Further, if the vehicle is kept idle for a long period there is every possibility of it getting damaged. He also submitted that the petitioner is ready to produce the vehicle as and when required by the Court.

Learned Additional Public Prosecutor objected for grant of interim custody submitting that the vehicle is involved in a crime.

Considering the circumstances of the case, it is directed that the Honda Shine bike bearing registered No.AP 36 AZ 1189 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main case, on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with one surety for the like sum to the satisfaction of the trial Court 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 he 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 confiscation proceedings, if any, already passed. Further, this order does not preclude the authorities from passing any confiscation proceedings.

Accordingly, the Criminal Revision Case is allowed.

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

JUSTICE RAJA ELANGO

06th January, 2016

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