

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL REVISION CASE No. 2133 OF 2016

ORDER :

This Criminal Revision Case came to be filed challenging the Order dated 01.08.2016 passed in CrI.M.P. No.915 of 2016 on the file of Judicial Magistrate of First Class, Puttur wherein an application filed by the petitioner seeking interim custody of two lorries bearing Registration Nos. AP03W 8595 and AP16JW 1993, and a JCB bearing Registration No.AP03AU 9743, was dismissed.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Basing on a report lodged by the Tahsildar, R.C. Puram Mandal, Chittoor District, a case in crime No.27 of 2016 of R.C.Puram police station came to be registered against the petitioner for the offences punishable under Sections 447, 188, 379 read with 511 IPC and 21 (1) (2) (3) of the Mines and Minerals Development Regulation Act, 1957. The police seized the said vehicles in connection with the said crime. It is alleged in the report that the aforesaid three vehicles were being used for illegal transportation of gravel from Government land and

causing damage to the Government property.

4. The learned counsel for the petitioner mainly submits that the petitioner, who is the owner of the vehicles, is innocent of the offences alleged against him and the drivers of the said vehicles misused the same.

5. Learned Public Prosecutor opposed the application stating that investigation is still pending in the aforesaid crime.

6. There is no dispute with regard to the ownership of the vehicles 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 vehicles in question have to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

7. 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 vehicles viz. lorries bearing Registration Nos. AP03W 8595 and AP16JW 1993, and a JCB bearing Registration No.AP03AU 9743, seized in Crime No.27 of 2016 of R.C. Puram Police Station, Chittoor District, in favour of the petitioner on the following terms.

- i) The petitioner shall execute personal bonds for Rs.5,00,000/- (Rupees five lakhs only) with one surety for a like sum, for each vehicle, to the satisfaction of the Judicial Magistrate of First Class, Puttur;
- ii) The petitioner shall produce the original Registration Certificates of the vehicles in the Court.
- iii) The petitioner shall give an undertaking to produce the vehicles as and when required by the Court and also an undertaking not to alienate, encumber or alter the physical features of the vehicles;
- iv) that the vehicles shall not be used for illegal transportation of gravel.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous Petitions pending if any in this Criminal Revision Case, shall stand closed.

C.PRAVEEN KUMAR, J

22.08.2016

DRK

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[\[1\]](#) (2002) 10 SCC 283