

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.11825 of 2016

ORDER:

Petitioner No.1 is owner of the seized vehicle, whereas petitioner No.2 is the co-partner and managing the affairs of the seized vehicle. Their lorry bearing registration No. AP29 V 4139 is involved in the commission of the offence by transporting sand in the said vehicle. Since the first petitioner claims to be owner of the offending vehicle, I deem it appropriate to return the vehicle to him for interim custody, as the non-user of the vehicle is likely to spoil the vehicle. However, the first petitioner shall have the interim custody of the vehicle on terms only.

Accordingly, this criminal petition is allowed. Interim custody of the vehicle i.e., Lorry bearing registration No. AP29 V 4139 along with sand be granted to the first petitioner, subject to the condition that he proves the ownership of the said vehicle and executes a personal bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) together with one surety in a like sum and also on further conditions, viz.,

- (i) the first petitioner shall not tamper with the vehicle in any manner and shall maintain the vehicle as it stands as on today;
- (ii) the first petitioner shall deposit the title documents and produce the vehicle as and when directed by the trial Court without affecting the right of forfeiture available to the Department;
- (iii) the custody is only interim custody; consequently the first petitioner shall not put the vehicle to any use other than his personal use, and
- (iv) the first petitioner shall not sell or otherwise dispose of or alienate the vehicle until disposal of the main case.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL, J

Date: 11.08.2016

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