

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1367 OF 2016

ORDER:

This revision is preferred challenging the docket order, dated 2.6.2016, in C.F.R.No.749 of 2016 in Crime No.58 of 2016-2017 on the file of the Judicial First Class Magistrate at Paderu, whereunder and whereby, the petition filed by the petitioner for interim custody of the vehicle i.e., Bolero Truck Jeep bearing Registration No.AP.31-TW-4057, was returned.

2. The petitioner herein filed a petition under Section 457 Cr.P.C. seeking release of the aforesaid vehicle seized by Paderu Prohibition and Excise Police in connection with Crime No.58 of 2016-2017 of Paderu Prohibition and Excise Station, Visakhapatnam for the offence punishable under Section 7(a) read with 8(e) of the A.P. Prohibition Act, 1995 and Section 34(e) of the A.P. Excise Act, 1968 and GUR (Regulation of Use) Order, 1968 and the same was returned by the Court below on the ground of jurisdiction. Aggrieved by the same, the present revision is filed.

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

4. Learned Additional Public Prosecutor objected for the same, since the vehicle is involved in a crime.

5. Considering these circumstances, it is directed that the vehicle i.e. Bolero Truck Jeep bearing Registration No.AP.31-TW-4057 shall be released for interim custody of the petitioner, subject to

final orders to be passed in the main case, on petitioner furnishing a bank guarantee for a sum of Rs.50,000/- (Rupees fifty thousand only) to the satisfaction of the Judicial First Class Magistrate at Paderu, 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, the petitioner 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 any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

6. With the above directions, the Criminal Revision Case is disposed of.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

8.6.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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AMD