

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2561 of 2016

ORDER:

This Criminal Petition, under Section 482 Cr.P.C., is filed by the petitioner against order, dated 04.11.2015, in CrI.M.P.3653 of 2015 in CC No.157 of 2015 on the file of the Additional Judicial Magistrate of First Class, Gudur.

Heard and perused the material available on record.

The case in brief is that Crime No.102 of 2014 was registered on the file of the Manubolu Police Station, Nellore District, against accused Nos.1 and 2 for the offences punishable under Sections 3, 4, 5 and 8 of the Prevention of Immoral Trafficking Act. At the time of arrest of the accused, the investigating officer seized the house and locked the same. The petitioner, who is the owner of the said house, approached the Additional Judicial Magistrate of First Class, Gudur, in CrI.M.P. No.5523 of 2014 for return of the key for interim custody of the house. The learned Magistrate vide order, dated 10.10.2014, dismissed the said application and directed the police to deposit the key of the house into the Court. Against the same, the petitioner filed revision in CRP No.7 of 2015 before the VII Additional District & Sessions Judge, Gudur. The learned Sessions Judge, allowed the said CRP and set aside the order of the learned Magistrate, vide order, dated 01.07.2015. Basing on the above said order, the petitioner again approached the learned Magistrate for interim custody of the house by filing CrI.M.P. No.3653 of 2015. The learned Magistrate vide impugned order, dismissed the said application on the ground that the said Court has no power to pass any orders in respect of seizure of the house. Against the said order, the present petition is filed.

Learned counsel for the petitioner submitted that the petitioner is the owner of the house and she is not the accused in the above said crime and that there is no dispute with regard to the ownership of the property and that the petitioner is ready to undertake that she will not let out the said premises for any improper use.

Considering the facts and circumstances of the case and also taking into consideration of the submissions of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The order, dated 04.11.2015 in CrI.M.P. No.3653 of 2015 in CC No.157 of 2015 passed by the Judicial Magistrate of First Class, Gudur, SPSR Nellore District, is set aside and the learned Magistrate is directed to hand over the keys of the house of the petitioner, on her executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum, under proper undertaking from the petitioner that the property in question shall not be alienated to any third party.

With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

February 26, 2016.
KTL