

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6515 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the docket order, dated 7.4.2016, in CrI.M.P.No.21 of 2016 in Crime No.40 of 2016 on the file of the Judicial Second Class Magistrate, Prathipadu, Guntur District and release the vehicle of the petitioner i.e., Ashok Leyland Lorry bearing No.TN 57 AW 3456 for interim custody.

2. Heard and perused the material available on record.

3. The petitioner herein filed CrI.M.P.No.21 of 2016 under Section 457 Cr.P.C. seeking return of the aforementioned vehicle seized by Prathipadu police in connection with Crime No.40 of 2016 for the offence punishable under Sections 11(1)(a),(d),(e) & (h) of the Prevention of Cruelty to Animals Act, 1960 and Rules 47 (b) and 50 of the Transport of Animals Rules, 1978 and the same was dismissed.

Aggrieved by the same, the present Criminal Petition is filed.

4. 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.

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

6. Considering these circumstances, it is directed that the vehicle i.e. Ashok Leyland Lorry bearing No.TN 57 AW 3456 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 Rs.3,00,000/- (Rupees three lakhs only) with one surety for the like

sum to the satisfaction of the Judicial Second Class Magistrate, Prathipadu, Guntur District, 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.

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

JUSTICE RAJA ELANGO

27.4.2016

AMD

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Date:27.4.2016

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