

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1359 OF 2014

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ORDER:

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This Criminal Petition is filed under Section 482 of Code of Criminal Procedure (Cr.P.C) by the petitioner-Accused No.1 seeking to quash orders, dated 20.12.2013, in Criminal Revision Petition No.71 of 2013 passed by the Principal Sessions Judge, Nalgonda and consequently direct the Judicial Magistrate of First class, Nakrekal, to release the vehicle of the petitioner for his interim custody.

Heard and perused the material available on record.

The vehicle of the petitioner i.e. TATA Ace bearing No.AP 24 TB 9020 was seized in Crime No.241 of 2013 on the file of Nakrekal Police Station, registered for the offence punishable under Section 395 IPC. The petitioner is arrayed as A1 in the above case. The petitioner filed CrI.M.P. No.3765 of 2013 before the Judicial Magistrate of First Class, Nakrekal, for interim custody of the vehicle. The trial Court dismissed the said application through order, dated 19.11.2013. Against the said order, the petitioner filed revision petition before the Principal Sessions Judge, Nalgonda. The learned Sessions Judge dismissed the revision petition by confirming the order of the trial Court, vide order, dated 20.12.2013. Aggrieved by the same, the present criminal petition is filed.

Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and he is eking out his livelihood by running the vehicle on hire basis and that if the vehicle is kept idle for a long period, there is every possibility of getting it 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.

A perusal of the order of the trial Court discloses that the learned trial Judge dismissed the application filed by the petitioner under Section 451 Cr.P.C., only on the ground that it is too early to consider the application since the vehicle has to be marked as material object as the said vehicle was used in commission of offence and therefore, the trial Court was right in dismissing the application and the said finding was also confirmed by the revisional Court, and hence, this Court is of the view that the order under challenge does not suffer from any infirmity or illegality warranting interference of this Court under Section 482 Cr.P.C.

Hence, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending if any, shall stand closed.

RAJA ELANGO, J

February 18, 2016.

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