

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.14883 of 2016

ORDER :

1) The present Criminal petition came to be filed questioning the order dated 06.09.2016 passed in CrI.M.P.No.2486 of 2016 on the file of the Metropolitan Sessions Judge, Visakhapatnam.

2) A perusal of the material on record would show that by an order dated 06.09.2016 the trial Court while releasing the Innova Car bearing No. AP 31 TF 2556, imposed certain terms and conditions, which are as under:

- I. The petitioner shall furnish a fixed deposit equivalent to the value of the vehicle as determined by the Motor Vehicle Inspector and to the satisfaction of the concerned Magistrate;
- II. The petitioner shall keep this fixed deposit alive till conclusion of the trial;
- III. The petitioner shall not alienate or otherwise transfer this vehicle pending disposal of the case;
- IV. The petitioner shall not use the vehicle for commission of any crime nor shall he allow the vehicle to be used in the commission of any crime;
- V. The petitioner shall produce the vehicle whenever required for the purpose of investigation or for the purpose of trial.
- VI. The investigating Officer is directed to take photographs of the vehicle and preserve the said photographs in the record.

3) Learned counsel for the petitioner mainly submits that the condition of furnishing a fixed deposit equivalent to the value of the vehicle as determined by the Motor Vehicle Inspector and to the satisfaction of the concerned Magistrate is onerous and it is difficult for the petitioner to comply with the same.

4) It is to be noted that the Innova Car was seized in an offence punishable under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985. Whether the said vehicle is being used or not in the commission of offence is to be decided during the course of trial. Therefore, imposing conditions cannot be found fault with but directing to furnish deposit equivalent to the value of the vehicle appears to be onerous.

5) Having regard to the facts and circumstances of the case, the order impugned is modified by directing the petitioner to furnish fixed deposit for Rs.2,00,000/- (Rupees two lakh only) and shall furnish third party security for the remaining amount. The other conditions in the impugned order shall remain un-altered.

6) Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

06.10.2016
RRB/ RDS