

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4761 OF 2016

-
ORDER:

-
This Criminal Petition is filed under Section 482 Cr.P.C. seeking to release the vehicle of the petitioner i.e., TATA Indica Car bearing registration No.AP 03 AA 2907 seized in Crime No.126 of 2015 on the file of the Judicial First Class Magistrate, Palamaner, Chittoor District.

2. Heard and perused the material available on record.

3. The petitioner herein filed a petition under Section 451 Cr.P.C. seeking release of the aforementioned vehicle, which was seized in connection with the aforementioned crime for the offences punishable under Section 29 of the Wild Life Protection Act, 1972, Section 379 I.P.C., Sections 20, 20(1)(c)(II)(III)(IV) & (X), 29 and 32 of the A.P.Forest Act, 1967, Rule 3 of the A.P.Sander Wood and Red Sander Transit Rule of Forest Act, 1967 and Sections 55(2) and 58 of the Bio Diversity Act, 2002. The learned Magistrate returned the said application on the ground of jurisdiction. 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. TATA Indica Car bearing Registration No.AP 03 AA 2907 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.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the Judicial First Class Magistrate, Palamaner, Chittoor 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

Date: 6.4.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-
-
-
-
-
-

—

AMD