

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1430 of 2016

ORDER

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code seeking to direct the Court below to release the vehicle i.e, auto rickshaw bearing No.TS-11-UA-3339 seized in Cr.No.223 of 2016 of Meerpet Police Station, Cyberabad District, registered for the offence punishable under Section 34(a) of A.P.Excise Act.

2. Heard and perused the material available on record.
3. Petitioner herein filed an application under Section 457 of the Code of Criminal Procedure before the Court below to release the vehicle i.e, auto rickshaw bearing No.TS-11-UA-3339 to the petitioner. By docket order dated 10.05.2016, the said petition was returned. Hence, the petitioner filed the present revision.
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 objects for the same, since the vehicle is involved in a crime.
6. Considering the facts and circumstances of the case and even though the vehicle is liable to be confiscated, no prejudice would be caused for investigation if the vehicle is released for interim custody. Therefore, it is directed that the vehicle i.e., auto

rickshaw bearing No.TS-11-UA-3339, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the XII Metropolitan Magistrate, L.B.Nagar, 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. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

10th June, 2016

sj