

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1765 OF 2016

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the action of the learned Judicial First Class Magistrate, Tandur, in not receiving the application to be presented under Section 457 CrPC seeking interim custody of the vehicle seized in C.O.R.No.169 of 2016 on the file of the Prohibition and Excise Police Station, Tandur, Ranga Reddy District.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously acted in not receiving the application of the petitioner seeking for interim custody of the vehicle seized in connection with the above stated crime.

Learned Additional Public Prosecutor opposed for the same.

Considering the facts and circumstances, it is directed that the vehicle i.e., Passion Pro bike bearing T/R No.TS 06 JTR 3757 shall be released to the petitioner for interim custody, subject to final orders to be passed in the main case, on his furnishing a Bank Guarantee for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Magistrate concerned, and subject to production of all the documents relating to the vehicle in question. The petitioner shall also give an undertaking not to sell, alter or alienate the said vehicle and produce the same as and when directed by the trial Court. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

11.07.2016

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