

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1346 OF 2016

ORDER:

This revision is preferred challenging the endorsement, dated 18.5.2016, in CrI.M.P.No.2064 of 2016 in Crime No.53 of 2016 on the file of the XII Metropolitan Magistrate, Cyberabad at L.B. Nagar, Ranga Reddy District, whereunder and whereby, the petition filed by the petitioner for interim custody of the vehicle i.e., Hero Honda Passion Pro Motor Cycle bearing Registration No.AP-28/DW-9961, was returned.

2. The petitioner herein filed a petition under Section 451 read with 457 Cr.P.C. seeking release of the aforesaid vehicle seized by Shamshabad Police in connection with Crime No.53 of 2016 for the offence punishable under Section 34 (a) of the A.P. Excise Act, 1968. The Court below returned the said application on the ground that the same is not maintainable. Aggrieved by the same, the present revision is filed.

3. 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.

4. Learned Additional Public Prosecutor objected for the same, since the vehicle is involved in a crime.

5. Considering these circumstances, it is directed that the vehicle i.e. Hero Honda Passion Pro Motor Cycle bearing Registration No.AP-28/DW-9961 shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner

furnishing a personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with one surety for the like sum to the satisfaction of the XII Metropolitan Magistrate, Cyberabad at 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.

6. With the above directions, the Criminal Revision Case is disposed of.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

7.6.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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