

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.154 OF 2016

- **ORDER:**

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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 order, dated 05.01.2016, passed in CrI.M.P.No.6493 of 2015 in C.O.R.No.988 of 2015-16 by the Court of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam, whereby the learned Judge dismissed the petition filed by the petitioner for release of vehicle for want of jurisdiction.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously dismissed the petition filed by the petitioner for release of the vehicle for want of jurisdiction.

Learned Additional Public Prosecutor opposed for the same.

Considering the facts and circumstances, it is directed that the vehicle i.e., Auto Rickshaw bearing No.TS 04 UA 648 shall be released to the petitioner for interim custody, subject to final orders to be passed in the main case, on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with one surety for a like sum 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 direction, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

20.01.2016

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