

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.702 of 2016

ORDER:

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 19.02.2016 passed in Crl.M.P.No.134 of 2016 in Crime No.86 of 2016 by the XX Metropolitan Magistrate of First Class at Malkajgiri, Cyberabad.

The petitioner is an accused in Crime No.86 of 2016. The brief facts of the case are that on 11.02.2016, the Sub-Inspector and his staff while performing the vehicle checking duty at Chakrapuram X Roads, Kushaiguda, they found the accused illegally transporting ration rice (PDS Rice) in 4 wheeler TATA ACE Auto trolley bearing vehicle No.AP 24 TB 4527. Then the accused was apprehended and seized the property and also the vehicle which is carrying the rice bags, on the ground of transporting rice belonging to Public Distribution System and handed over the vehicle to the SHO, Kushaiguda Police Station. Thereafter, the petitioner filed Crl.M.P.No.134 of 2016 before the trial Court for interim custody of the vehicle. The learned Magistrate dismissed the said application. Hence, this revision is filed by the petitioner.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and if the vehicle is exposed to sun and rain and is kept idle, it would be damaged. He further submits that the petitioner is ready and willing to furnish security for release of the vehicle and also produce the vehicle as and when required by the Court.

Learned Additional Public Prosecutor also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that vehicle i.e. TATA ACE Auto trolley bearing No.AP 24TB 4527 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main case, on his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for the like sum each 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 he shall undertake to produce the vehicle as and when required by the Court. The said order will not stand in the way of the confiscation proceedings.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

Date: 9th June, 2016

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