

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1508 OF 2016

ORDER:

This revision is preferred challenging the order, dated 30.5.2016, in Proc.No.49/2016/C passed by the Deputy Commissioner of Prohibition & Excise, Nalgonda.

2. On 13.2.2016, Atmakur (S) Police conducted raid at Ramoji Thanda, H/o.Nasimpet Village in the house of G.Swamy, S/o.Venkat and seized five litres of I.D. Liquor and 13 bags of black jaggery totalling 390 kgs and one Tata Winger bearing No.AP 24 TA 2355 and registered a case against three persons in F.I.R.No.18/2015, dated 13.2.2016, under Section 7(a) read with 34(e) of the A.P. Excise Act and deposited the seized property in the office of the Deputy Commissioner of Prohibition and Excise, Nalgonda. The petitioner filed an appeal on 26.4.2016 before the Deputy Commissioner of Prohibition and Excise, Nalgonda to release the vehicle for interim custody and the same was disposed of directing the petitioner to submit FDR for Rs.2,75,000/- for taking into the interim custody of the seized vehicle. Challenging the same, he filed the present revision.

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 has no capacity to deposit Rs.2,75,000/-, but he is ready to furnish sufficient sureties 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. Tata Winger bearing No.AP 24 TA 2355 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal case, on petitioner furnishing a personal bond for a sum of Rs.2,75,000/- (Rupees two lakhs seventy five thousand only) to the satisfaction of the Judicial First Class Magistrate, Suryapet, 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

17.6.2016
AMD

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