

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.3749 OF 2016

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ORDER:
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This Criminal Petition is filed under Section 482 read with Section 457 Cr.P.C. seeking to release the vehicle of the petitioner i.e., Passion Pro Bike bearing Registration No.TS-06-EG-0098 seized in Crime No.57 of 2016 on the file of the XII Metropolitan Magistrate, Cyberabad at L.B.Nagar.

2. Heard and perused the material available on record.
3. The petitioner herein filed a petition under Section 451 Cr.P.C. seeking release of the aforementioned vehicle seized by RGI Airport Police, Cyberabad in connection with Crime No.57 of 2016 for the offence punishable under Section 34 (A) of the A.P. Excise Act. The learned XII Metropolitan Magistrate, Cyberabad returned the said application on the ground of jurisdiction. Aggrieved by the same, the present Criminal Petition is filed.
4. 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.
5. Learned Additional Public Prosecutor objected for the same, since the vehicle is involved in a crime.
6. Considering these circumstances, it is directed that the vehicle i.e. Passion Pro Bike bearing Registration No.TS-06-EG-0098 shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner furnishing a

bank guarantee for Rs.25,000/- (Rupees Twenty Five thousand 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.

7. With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

17.3.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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Date: 17.3.2016

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