

THE HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2512 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. challenging the order dated 20-01-2016 in CrI.M.P.No.4727 of 2015 in C.C.No.196 of 2014 passed by the II Additional Judicial Magistrate of First Class, Tirupathi, dismissing the petition filed under Section 451 Cr.P.C. seeking to grant interim custody of the property viz., Scanning machine, micro centrifuge, RM Centrifuge, ABG Machine and other seized by the District Medical and Health Officer, Chittoor in C.C.No.196 of 2014.

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

Admittedly, the petitioners filed CrI.M.P.No.4727 of 2015 in C.C.No.196 of 2014 seeking interim custody of the seized property, but the learned Magistrate dismissed the same holding that no records were placed claiming ownership for all the properties. On perusal of the material on record, it reveals that the property were seized in the year 2012 and the charge sheet was filed in 2014. The learned counsel for the petitioners fairly stated that the petitioners are always ready to produce the seized property as and when required by the Court and that if the said property is kept idle and unattended, it would get damage and not fit for use in future.

Having regard to the facts and circumstances of the case and in view of the submissions made by the learned counsel for the petitioners, this Court is of the view that if the said seized property are allowed to be kept unused and unattended, there is

every likelihood of getting repairs and the same cannot be useful in future, and hence, the said property can be ordered to be given for interim custody to the petitioners subject to appropriate directions.

Therefore, the learned II Additional Judicial Magistrate of First Class, Tirupathi, shall release the property seized in C.C.No.196 of 2014 in favour of the petitioners on their executing a personal bond of Rs.4,00,000/- (Rupees four lakhs only) with one surety and also on giving an undertaking that they will produce the said seized property before the Court as and when required by the Court without there being any alteration or change of the nature of the said property. However, it is made clear that after conclusion of the trial, the learned Magistrate may pass appropriate orders regarding disposal of the said property in accordance with law.

With the above direction, the criminal petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

RAJA ELANGO, J

Date: 15-03-2016

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