

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.4763 OF 2016

ORDER:

This Criminal Petition is filed under Section 457 Cr.P.C. seeking to release the vehicle of the petitioner i.e., Lorry bearing registration No.AP 31 TH 0444 seized in Crime No.50 of 2016 on the file of Amadalavalasa Police Station, Srikakulam District, which was registered for the offences punishable under Sections 447 and 379 I.P.C. and Section 3(2) of the Prevention of Damage of Public Property Act, 1984.

2. Heard and perused the material available on record.
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 is ready to furnish sufficient surety 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. Lorry bearing registration No.AP 31 TH 0444 shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner furnishing a personal bond for a sum of Rs.3,00,000/- (Rupees three lakhs only) with one surety for the like sum to the satisfaction of the Station House Officer, Amadalavalasa Police Station, Srikakulam District, 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 Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 6.4.2016
AMD

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AMD