

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1575 OF 2016

ORDER:

This revision is preferred challenging the docket order, dated 12.5.2016, in CrI.M.P.No.1101 of 2016 in C.O.R.No.89 of 2016 on the file of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam, whereunder and whereby, the petition filed by the petitioner for interim custody of the vehicle i.e., Auto bearing Registration No.TS-05 LTR 1185, was dismissed.

2. The petitioner herein filed a petition under Section 457 Cr.P.C. seeking release of the aforesaid vehicle seized by Nelakondapally Prohibition and Excise Police in connection with C.O.R.No.89 of 2016 of Prohibition and Excise Station, Nelakondapally for the offences punishable under Section 7-A read with 8(e) of the A.P. Prohibition Act, 1995 and Section 34(e) of the A.P.Excise Act, 1968 and the same was dismissed by the Court below. Aggrieved by the same, the present revision is filed.

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. Auto bearing Registration No.TS-05 LTR 1185 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.25,000/- (Rupees twenty five thousand only) with one surety for the like sum to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam, 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

21.6.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-
-
-
-
-
-
-
-
-
-
-
-

AMD