

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRI.P.No.5384 of 2016

ORDER

The petitioner filed this Criminal Petition by invoking the provisions under Section 482 Cr.P.C. seeking to quash the order dated 25.02.2016 passed in CrI.M.P.No.11 of 2016 in Cr.No.32 of 2016 on the file of Judicial II Class Magistrate, Pithapuram.

2. Heard and perused the material available on record.

3. Petitioner herein filed the impugned application under Section 457 Cr.P.C., before the Court below seeking to release the case property i.e., 19 Oxen worth Rs.95,000/- and the same was dismissed by the order impugned. Challenging the same, the present criminal petition is filed.

4. Learned counsel for the petitioner submitted that the petitioner/A2 had purchased 19 Oxen at Manapuram Market, Vijayanagaram District and transported the same to Samalakota and other places for selling them at higher price and on the way, the police seized the said oxen and arrested the accused.

5. Admittedly, the petitioner is the owner of the said property and he is an accused before the Court below.

6. Considering the facts and circumstances of the case, it is directed that the case property i.e., 19 Oxen shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on the petitioner executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the Judicial Second Class Magistrate, Pithapuram. It is further directed that the petitioner

shall not alienate the said oxen till disposal of the criminal case and further, he shall undertake to produce the said oxen 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.

7. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

RAJA ELANGO, J

19th April, 2016

sj