

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

CRIMINAL PETITION No.12092 of 2016

ORDER:

The criminal petition is filed under Section 482 r/w.457 Cr.P.C. to direct the concerned authority to release the vehicle i.e., CB Shine F Drum Motor Cycle bearing registration No.TS-04-EB-9179, Chassis No.ME4JC651DFT108294 which was seized in connection with PR.No.349/2016 of Prohibition and Excise Station, Kothagudem, Khammam District, registered for the offences punishable under Sections 7(a) r/w. Section 8(e) of A.P.Prohibition Act.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The petitioner sought for return of the vehicle for interim custody through CrI.MP.No.1249/2016 before the jurisdictional Magistrate. The petition was returned by the Court below *inter alia* on the ground that it has no jurisdiction. The appropriate authority to order release of the vehicle is the concerned Deputy Commissioner of Excise. The petitioner claims to be owner of the offending vehicle and hence it is appropriate to return the vehicle to the petitioner for interim custody, as the non-user of the vehicle is likely to spoil the vehicle.

In that view of the matter, the petitioner is directed to file appropriate application before the appropriate authority for release of the vehicle within a period of 15 days from today and on filing such application, the concerned authority shall dispose of it on the same day, in accordance with law.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL,J

Date: 19.09.2016
Dsr

Note:
Furnish copy in 2 days
B/o
Dsr

