

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Petition No.11490 of 2016

ORDER:

The petitioner, who is the owner of the vehicle, filed this Criminal Petition under Section 482 read with Section 457 Cr.P.C. praying to direct the Station House Officer, Maripeda Police Station, Warangal District to forthwith release the lorry bearing Reg.No.AP 24 Y 6327 whose value is Rs.2,50,000/- seized in Cr.No.147 of 2016 by permitting the petitioner to furnish the third party surety before the Court of learned Judicial First Class Magistrate at Thorrur.

Heard and perused the records.

The petitioner is the owner of the lorry and the same has been seized in pursuance of the proceedings under Section 420 I.P.C. and Sections 7 & 8 of Essential Commodities Act by the Police, Maripeda Police Station and the same was deposited in the Court of the Judicial First Class Magistrate at Thorrur in Form – 66. When the vehicle is in the Court custody, it is for the Judicial Magistrate to pass appropriate orders with regard to release of the vehicle.

Learned counsel for the petitioner submitted that if the vehicle is kept idle for a long period, there is every possibility of getting it damaged and that the petitioner is ready to produce the vehicle as and when required by the Court below.

Learned Additional Public Prosecutor also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, it is directed that vehicle i.e., lorry bearing Reg.No.AP 24 Y 6327 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal case in connection with the above crime, on his executing a personal bond for a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) together with third party surety for the like sum to the satisfaction of the trial court 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 he shall undertake to produce the vehicle as and when required by the Court below. However, it is made clear that the present order will not stand in the way of confiscation proceedings, if any, already passed. Further, this order does not preclude the authorities from passing any confiscation proceedings.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions filed, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

Date : 01.09.2016

Note : Issue C.C. in two days.

B/o
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