

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6337 OF 2016

ORDER:

This petition is filed by the petitioner-accused No.8 under Section 482 r/w 457 Cr.P.C. seeking a direction to the Station House Officer, Etcherla Police Station, Srikakulam District to release the vehicle viz., Tractor bearing No.AP 30 TXTR 3084 along with its Trailer bearing No.AP 30 TXTR 3260 seized in Crime No.38 of 2016 registered for the offence punishable under Sections 447, 379 IPC and Section 3 (2) of PDPP Act.

Heard and perused the material available on record.

It is alleged that the petitioner and others illegally transported sand in the vehicle in question.

It is stated that the petitioner filed Crl.M.P.No.392 of 2016 before the Court below for release of the said vehicle and the said petition was returned on the ground of its maintainability.

Learned Counsel for the petitioner submitted that the petitioner is the owner of the vehicle and the same is very essential for his livelihood and further, if the vehicle is kept idle for a long period there is every possibility of getting it damaged. He also submitted that the petitioner is ready to produce the vehicle as and when required by the Court.

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. Tractor bearing No.AP 30 TXTR 3084 along with its Trailer bearing No.AP 30 TXTR 3260 shall be released for interim custody of the petitioner, if it was not involved in any other crime, subject to final orders to be passed at the time of disposal of the main case, on his executing a personal bond for Rs.3,00,000/- (Rupees Three lakhs

only) with one surety for the like sum to the satisfaction of the Judicial First Class Magistrate, Srikakulam 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. It is made clear that this order will not stand in the way of confiscation proceedings, if any.

Accordingly, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 26.4.2016

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DATED 26.4.2016

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