

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 11883 of 2016

ORDER:

The petitioner filed this Criminal Petition under Section 482 read with Section 457 Cr.P.C. praying to direct the Forest Range Officer, Kammarpally Range, Nizamabad District to forthwith release the vehicles Tractor bearing Registration No. AP 25-X-9249 seized in connection with POR No.08/OC/KMP/2016-17 Repoprt No.25 Book No.117 by permitting the petitioner to furnish third party surety before the Court of learned Additional Judicial First Class Magistrate, at Armoor, Nizambad District.

Heard and perused the records.

Learned counsel for the petitioner submitted that if the vehicle is are kept idle for a long period, there is every possibility of getting 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 Tractor bearing Registration No. AP 25 X 9249

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.2,00,000/- (Rupees Two Lakhs only) with one 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 or encumber the vehicle, change the physical features of the same and shall not create any third party rights on the vehicle in question till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court below and he shall not use the vehicle for any purpose other than the personal use. 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.

The Criminal Petition is accordingly disposed of. Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 12TH AUGUST, 2016.
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