

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

Criminal Petition No.12670 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings in CrI.M.P.No.890 of 2016, dated 20-05-2016 on the file of the Judicial First Class Magistrate, Dharamavaram, Ananthapuramu District as confirmed in Cr.R.P.No.60 of 2016, dated 01-08-2016 on the file of the Court of the Sessions Judge, Ananthapuramu.

Heard and perused the material available on record.

A perusal of the impugned order shows that the Courts below have proceeded on the presumption that the case attracts an offence under Section 6-A of Essential Commodities Act. Admittedly, the crime was registered under Sections 406 and 420 I.P.C. and the vehicle was produced before the learned Magistrate. No steps whatsoever have been taken to invoke the provisions of Essential Commodities Act. In that view of the matter, orders of the Courts below are not sustainable.

Accordingly, the Criminal Petition is disposed of directing the Magistrate concerned to release the vehicle i.e., lorry bearing Reg.No.AP 02 TC 3212 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.5,00,000/- (Rupees Five Lakhs only) together 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 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.

Miscellaneous petitions filed, if any, shall stand closed.

JUSTICE M.S.K.JAISWAL

Date: 06-09-2016

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