

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15497 OF 2016

ORDER:

This Criminal Petition is filed for relaxing condition imposed by in the order passed by the XII Additional Chief Metropolitan Magistrate, Hyderabad on 13-10-2016 in Criminal S.R.No.4997 of 2016 in Crime No.32 of 2016 of PS. WCO T-IV, CCS, DD, Hyderabad, and reducing surety amount from Rs.5,00,000/- to Rs.1,00,000/-.

The order passed by the trial court is challenged by filing petition under Section 482 Cr.P.C. on the ground that the vehicle is unconnected with the crime as the crime registered against the petitioner is for the offences punishable under Sections 420, 406 and 120 (b) of I.P.C.

But the allegation against the petitioner is that he collected huge amount from different persons promising to execute registered sale deed for the property, but it is not the case of prosecution at any stage. As per the material, the car is not connected with the crime. But the Public Prosecutor contended that with amount received under agreement of sale, he purchased the car for Rs.5,50,000/- on 3-11-2012 and crime was entered in the year 2012. However, in the absence of any material to establish that the car was purchased with the amount he received from intended purchaser under agreement of sale, it is difficult to accept the contention of the Public Prosecutor at this stage.

In this view of the matter, the car belongs to the petitioner and he is registered owner of the vehicle and when the car is not connected with the crime, imposing any condition for the release of the vehicle is illegal in view of the judgment of this court reported in *BALIGERA BHEEMUDU ALIAS BHEEMAIAAN v. STATE OF A.P.* <sup>(1)</sup>.

By applying the principles laid down in the above judgment, I find that it is a fit case to relax the condition imposed by the learned Metropolitan Magistrate in Criminal S.R.No.4997 of 2016 in Crime No.32 of 2016 of PS. WCO T-IV, CCS, DD, Hyderabad. Even otherwise as per the judgment of the apex court reported in *SUNDERBHAI AMBALAL DESAI v. STATE OF GUJARAT* <sup>(2)</sup>, the apex court laid down certain guidelines for release of the vehicle liquor seizure etc.,

Taking into consideration of the facts and circumstances of the case, the condition imposed by the Metropolitan Magistrate in the order dated 13-10-2016 passed in Criminal S.R.No.4997 of 2016 in Crime No.32 of 2016 of PS. WCO T-IV, CCS, DD, Hyderabad, is relaxed. However, the Metropolitan Magistrate is directed to obtain an undertaking from the petitioner that he shall not change the vehicle features and alienate the car during the pendency of the criminal case before the competent court and to produce the same as and when directed by the said competent court.

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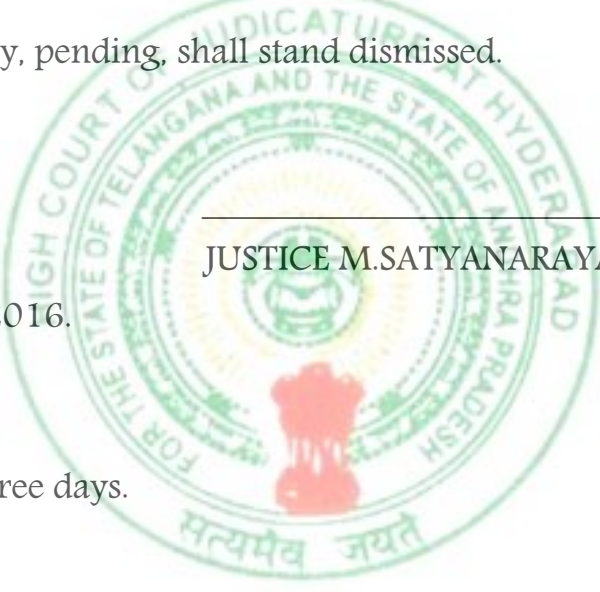
<sup>1</sup> 1993 CRL. L.J.3462 (1)

<sup>2</sup> (2002) 10 SCC 283

With the above direction, the condition imposed by the learned Metropolitan Magistrate in the order dated 13-10-2016 passed in Criminal S.R.No.4997 of 2016 in Crime No.32 of 2016 of PS. WCO T-IV, CCS, DD, Hyderabad,. is relaxed and the vehicle shall be released after obtaining an undertaking from the petitioner that he shall not change the vehicle features and alienate the car during the pendency of the criminal case before the competent court.

Accordingly, this Criminal Petition is disposed of.

As a sequel to the disposal of this petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.



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JUSTICE M.SATYANARAYANA MURTHY

Dated 3-11-2016.

Note:

Issue CC in three days.

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Dvs.

HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY



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Dated 3-11-2016.

Dvs