

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13317 of 2016

ORDER:

This Criminal Petition under Section 482 Cr.P.C., is filed seeking to quash the proceedings in Crime No. 159 of 2016 on the file of Station House Officer, Police Station, Maripeda, Warangal District, including the order dated 23.08.2016 passed by the learned I Additional Judicial First class Magistrate, Thorrur, Warangal District rejecting the CrI.M.P.No. 2913 of 2016 filed by the petitioner for release of the seized vehicle bearing Registration No. AP 36 Y 4915 and to release the said seized vehicle under the aforesaid crime.

It is alleged that the petitioner is claimed to be the owner of auto trolley bearing Registration No. AP 36 Y 4915. On 10.07.2016, the Assistant Supply Officer, Mahabubabad, along with Vigilance, Enforcement and Civil Supplies Department officials jointly inspected the Sri Sai Srinivasa Rice Industries, at Abbaipalem village, Maripeda Mandal, Warangal District and found unloading of 11.00 quintals of rice from the said auto trolley suspecting that the said rice kept for public distribution is being illegally transported. A case in Crime No. 159 of 2016 for the offence punishable under Section 420 IPC and Sections 7 and 8 of EC Act was registered and the same is pending investigation.

Thereafter the petitioner filed CrI.M.P.SR.No. 2913 of 2016 before the Court of learned Judicial First Class Magistrate, Thorrur, Warangal District for release of the said seized vehicle and the same was rejected on the ground of lack of jurisdiction. Hence the present Criminal Petition.

Having heard the learned counsel appearing for the petitioner/Accused and the learned Additional Public Prosecutor, representing the State, it is obvious that specific allegations were made against the petitioner/Accused in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation or trial. I see no ground to interdict the investigation at this stage and quash the first information report.

Alternatively, the petitioner is seeking release of the aforesaid seized vehicle. Trite to state, continued detention and seizure of the vehicle do not advance any purpose or interest of the respondent/State. The interest of the respondent/State can be protected by directing that the seized vehicle of the petitioner be released subject to certain conditions. Accordingly, interim custody of the vehicle i.e., auto trolley bearing Registration No. AP 36Y 4915 be granted to the petitioner/accused, subject to the condition that the petitioner proves the ownership of the said vehicle and furnishes personal security for a sum of Rs.1,00,000/- (Rupees one lakch only) together with one surety in a like sum to

the satisfaction of the concerned Magistrate and also giving an undertaking that

- (i) the petitioner shall not tamper with the vehicle in any manner and shall maintain the vehicle as it stands as on today;
- (ii) the petitioner shall deposit the title documents and produce the vehicle as and when directed by the trial Court without affecting the right of forfeiture available to the Department;
- (iii) the custody is only interim custody; consequently the petitioner shall not put the vehicle to any use other than her personal use, and
- (iv) the petitioner shall not sell or otherwise dispose of or alienate the vehicle until disposal of the main case.

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 19th September, 2016.

Note: CC in two days
(BO) Msnr_x

