

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

CRIMINAL PETITION No.12616 of 2016

ORDER:

The criminal petition is filed under Section 482 r/w.457 Cr.P.C. to direct the concerned authority to release the vehicles i.e., (1) Passion Pro Motor Cycle bearing registration No.AP 15-AT-0473 and (2) Hero Splendor Plus bearing registration No.TS-01-CTR9811, which were seized in connection with POR.No.960/19 of FRO, Mahadevpur, registered for the offences punishable under Sections 9, 39, 1(d), 49-B1, 50(1)(c), 504 and 51(1) of Wildlife Protection Act, 1972.

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor, representing the State.

The petitioner sought for return of the vehicles for interim custody through C.R.MP.No.329/2015 in POR No.960/19. The petition was dismissed by the trial Court *inter alia* on the ground that it has no jurisdiction and no such property is produced before it. The appropriate authority to order release of the vehicle is the concerned Divisional Forest Officer. The petitioners claim to be the owners of the offending vehicles and hence it is appropriate to return the vehicles to the petitioners for interim custody, as the non-user of the vehicles is likely to spoil the vehicles.

In that view of the matter, the petitioners are directed to file appropriate application before the appropriate authority for release of the vehicles within a period of 15 days from today and on filing such application, the concerned authority shall dispose of it on the same day, in accordance with law.

The Criminal Petition is accordingly disposed of.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 01.09.2016
Dsr

M.S.K.JAISWAL,J