THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1775 OF 2016

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order, dated 24.06.2016, passed in Crl.M.P.No.21 of 2016 passed by the Court of the Judicial Second Class Magistrate at Pithapuram, whereby the learned Magistrate dismissed the petition filed by the petitioner for release of vehicle for the reason that the Public Interest Litigation (PIL) is pending on the file of the Hon'ble High Court.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously dismissed the petition filed by him for release of the vehicle as the petitioner is eking out his livelihood by giving the said vehicle for transport. Hence, he prays this Court to release the vehicle.

Learned Additional Public Prosecutor opposed for the same.

Considering the facts and circumstances, it is directed that the vehicle i.e., TATA Ace Van bearing No.AP 05 TD 1019 shall be released to the petitioner for interim custody, subject to final orders to be passed in the main case, on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety for a like sum to the satisfaction of the learned Magistrate concerned, and subject to production of all the documents relating to the vehicle in question. The petitioner shall also give an undertaking not to sell, alter or alienate the said vehicle and produce the same as and when directed by the trial Court. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

11.07.2016
pln