

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL APPEAL No. 395 of 2016

JUDGMENT:

None appeared on behalf of the appellant-State. It means the appellant has not received any instructions to proceed with in this matter.

2. Vide the present appeal, the appellant-State has assailed the order dated 12.02.2016 passed in CrI.M.P. No.1255 of 2015 in Crime Nos.486 & 488 of 2014 of Krishnalakna Police Station, Vijayawada, whereby, the Metropolitan Sessions Judge, Vijayawada, directed respondent No.6-bank for conducting the sale and for depositing the amount with the Court upto 31.03.2016. Thereafter, the auction was conducted and the vehicle in question was sold to third party and an amount of Rs.2,96,000/- was deposited with the trial Court.

3. The appellant herein has prayed that the sale amount should be deposited to the credit of the appellant to deal with appropriate relief. It is deemed that the sale amount belongs to the case property. The Court will pass the appropriate order by considering the claim of respondent No.6. However, the amount is directed to be deposited before the trial Court.

4. Learned counsel appearing on behalf of respondent No.6-bank submits that the auction amount was already received by the

bank and deposited in the Court. However, the car could not be released to the auction purchaser due to interim order passed by this Court on 03.06.2016.

5. When the Court directed to auction the vehicle and that has been acted upon by respondent No.6 and the amount received from the auction purchaser and deposited with the Court, then there is no justification not to release the car in favour of the auction purchaser.

6. In view of the above, finding no merit in the instant appeal, the same is, accordingly, dismissed.

7. In view of the judgment passed in the appeal, CrI.A.M.P. No.1022 of 2016 becomes infructuous and the same is accordingly dismissed. Miscellaneous Petitions, if any pending in this appeal, shall stand closed.

SURESH KUMAR KAIT, J

23.12.2016

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