

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1554 OF 2016

ORDER:

This revision is preferred challenging the return endorsement, dated 3.6.2016, in C.F.R.No.592 of 2016 in C.O.R.No.202 of 2016 on the file of the Special Judicial First Class Magistrate for Prohibition and Excise Cases at Warangal whereunder and whereby, the petition filed by the petitioner for interim custody of the vehicle i.e., Ashok Leyland Lorry bearing Registration No.AP 09 T 2045, was returned.

2. The petitioner herein filed a petition under Section 457 Cr.P.C. seeking release of the aforesaid vehicle seized by Wardhannapet Prohibition and Excise Police in connection with C.O.R.No.202 of 2016 of Prohibition and Excise Station, Wardhannapet, registered for the offences punishable under Section 34(e) of the A.P. Excise Act, 1968 and Section 7A read with 8(e) of the A.P.Prohibition Act, 1995 and the same was returned by the Court below on the ground of jurisdiction. Aggrieved by the same, the present revision is filed.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

4. Learned Additional Public Prosecutor objected for the same, since the vehicle is involved in a crime.

5. Considering these circumstances, it is directed that the vehicle i.e. Ashok Leyland Lorry bearing Registration No.AP 09 T 2045 shall be released for interim custody of the petitioner, subject to

final orders to be passed in the main case, on petitioner furnishing a personal bond for a sum of Rs.2,50,000/- (Rupees two lakhs fifty thousand only) with one surety for the like sum to the satisfaction of the Special Judicial First Class Magistrate for Prohibition and Excise Cases at Warangal, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further, the petitioner shall undertake to produce the vehicle as and when required by the Court. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

6. With the above directions, the Criminal Revision Case is disposed of.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

20.6.2016

AMD

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