

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**CRIMINAL PETITION NO.15678 OF 2016**

**ORDER:**

This petition is filed under Section 482 of Criminal Procedure Code (for short "Cr.P.C.") to quash the order dated 06.10.2016 passed in CrI.R.P.No.94 of 2016 on the file of XVI Additional District and Sessions Judge's Court – cum – XVI Additional Metropolitan Sessions Judge's Court – cum – III Additional Family Court, Ranga Reddy District at Malkajgiri, wherein the learned Judge declined to order the return of vehicle Maruthi Suzuki RITZ VDI-BS-IV, with silky silver colour bearing No.TS 10H TR 8273, which was seized during investigation as the deceased was forcibly taken in the said car while he was trying to escape from the clutches of the petitioner and others and the said vehicle is required to be marked as material object.

Learned counsel for the petitioner contended that if the vehicle is in the custody of the police or in the Court, which would get spoiled on account of exposure to sun and rain since no protective measures are taken by the Courts and he has drawn the attention of this Court to a judgment of the Supreme Court rendered in "***Sunderbhai Ambalal Desai v. State of Gujarat***"<sup>1</sup>, wherein the Supreme Court held as follows:

"Whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles."

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<sup>1</sup> 2002 LawSuit (SC) 1346

The trial Court and the revisional Court did not consider the said principle laid down by the Apex Court.

During hearing, learned Public Prosecutor fairly conceded that the vehicle is not required for the present, since the investigation is completed and the charge sheet is also filed and the same is registered as P.R.C.No.34 of 2016. Therefore, the vehicle is no more necessary for investigation. However, the vehicle can be released by obtaining bank guarantee or any other security for production of vehicle by imposing certain conditions such as that the petitioner shall not alter the features of the vehicle and shall not transfer the vehicle in favour any third party pending disposal of the case etc.

In view of the concession extended by the learned Public Prosecutor, this petition is allowed and the respondent No.2 is directed to release the vehicle Maruthi Suzuku RITZ VDI-BS-IV, with silky silver colour bearing No.TS 10H TR 8273 after obtaining the bank guarantee for the value of the car after proper valuation by the competent authority, and necessary undertaking from the petitioner for production of the vehicle as and when directed by the Court during the trial or at any stage. The petitioner shall not alter the physical features of the car and shall not transfer the ownership of the vehicle in favour of any third parties during the pendency of the case. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

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**JUSTICE M. SATYANARAYANA MURTHY**

Date:21.11.2016  
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