

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2008 of 2016

ORDER:-

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. questioning the docket order, dated 18.07.2016, passed in CrI.M.P.No.1836 of 2016 in Crime No.141 of 2016 on the file of I Additional Judicial Magistrate of First Class, Proddatur.

2. The case of the prosecution is that on 22.05.2016, on credible information about cricket betting, the Sub-Inspector of police along with staff went to the scene of offence and found two cars and accused discussing about distribution of betting amount. On suspicion, police surrounded the two vehicles and asked details of the said persons. Then two persons got down from the car holding iron rod and knife and tried to stab one of the constables. Then the Sub-Inspector of police along with other constables forcibly pushed them into the car and locked the doors of the car. Subsequently, police arrested them, seized the vehicles and registered a case in Crime No.141 of 2016 for the offences punishable under Sections 353 and 307 read with 34 IPC. During pendency of investigation, the petitioner claiming himself to be the owner of vehicle i.e., Maruthi Suzuki Shift Desire Car bearing No.AP-4-AH-7299, filed CrI.M.P.No.1836 of 2016 in Crime No.141 of 2016 before I Additional Judicial Magistrate of First Class, Proddatur, seeking interim custody of the said vehicle. By an order dated 18.07.2016, the learned Magistrate dismissed the application on the ground that the vehicle was used in the commission of offence. Challenging the same the present revision is filed.

3. Learned counsel for the petitioner mainly submits that there is every possibility of the vehicle getting damaged, if they are kept exposed to air, sun and rain at the police station premises and hence seeks interim custody of the vehicle. Learned Additional Public Prosecutor though opposed the revision, did not dispute the ownership

of the vehicle.

4. In ***Surenderbhai Ambalal Desai v. State of Gujarat***^[1], the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

5. Since there is no dispute with regard to the ownership of the vehicle; as the question of confiscation, if any, arises after a full-fledged trial and having regard to the principles of law laid down by the Apex Court in the decision stated supra, I am inclined to grant interim custody of the vehicle i.e., Maruthi Suzuki Shift Desire Car bearing No.AP-4-AH-7299 seized in Crime No.141 of 2016 of Proddatur I Town Police Station in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for Rs.2,00,000/- (Rupees two lakhs only) with one surety for a like sum to the satisfaction of the I Additional Judicial Magistrate of First Class, Proddatur
- ii) The petitioner shall deposit the original Registration Certificate of the vehicle in the Court. However, the trial Court shall issue a certified copy of the registration certificate to the petitioner so that no inconvenience is caused to him while using the vehicle.
- iii) The petitioner shall give an undertaking to produce the vehicle as and when required either by the Investigating Agency or the Court and also give an undertaking that he will not alienate, encumber or alter the physical features of the vehicles.

6. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

AUGUST 10, 2016
YVL

[\[1\]](#) (2002) 10 SCC 283