

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

CRIMINAL PETITION No.14394 of 2016

ORDER:

The petitioner is A4 in Cr.No.18 of 2016 of Medipalli P.S. It is alleged that the petitioner/A4 along with 3 others were found carrying counterfeit currency notes in his Swift Car bearing registration No.AP 09-BY8393. The investigation is not yet completed and the matter is at the committal stage. The seized Swift Car is deposited before the jurisdictional magistrate. The petitioner/A4 moved CrI.MP.No.126/2016 before the Judicial Magistrate of First Class, Korutla for release of the vehicle and the same was dismissed on 24.03.2016 observing that the offences are exclusively triable by Sessions Court. The revision filed by the petitioner before the II Additional Sessions Judge, Karimnagar at Jagtial is also dismissed. Hence the petitioner/A4 filed the present criminal petition.

The petitioner is owner of the seized vehicle. The petitioner sought for return of the vehicle for interim custody. Where the petitioner, who is Accused No.4 claims to be owner of the offending vehicle, I deem it appropriate to return the vehicle to the petitioner/A4 for interim custody, as the non-user of the vehicle is likely to spoil the vehicle. However, the petitioner/A4 shall have the interim custody of the vehicle on terms only.

Accordingly, this criminal petition is disposed of. Interim custody of the vehicle i.e., Maruti Swift Car bearing registration No.AP 09-BY8393 be granted to the petitioner/A4, subject to the condition that the petitioner proves the ownership of the said vehicle and furnishes personal security for a sum of Rs.3,00,000/- (Rupees three lakh only) together with one surety in a like sum and also on further conditions, viz.,

- (i) the petitioner shall not tamper with the vehicle in any manner and shall maintain the vehicle as it stands as on today;
- (ii) the petitioner shall deposit the title documents and produce the vehicle as and when directed by the trial Court;
- (iii) the custody is only interim custody; consequently the petitioner shall not put the vehicle to any use other than his personal use, and
- (iv) the petitioner shall not sell or otherwise dispose of or alienate the vehicle until disposal of the main case in the connected crime.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 13.10.2016  
Dsr

M.S.K.JAI SWAL,J

