

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.985 of 2016

JUDGMENT:

1. Aggrieved by the order passed by the Special Sessions Judge for trial of Offences under SCs & STs (POA) Act-cum-IV Additional District Judge, Kadapa, confiscating M.Os.9 and 10- motor vehicles, in Special Sessions Case No.20 of 2014 vide judgment dated 28.8.2015, the present appeal is preferred by accused No.1.

2. It is the case of the appellant that he along with other accused was tried for the charges under Sections 3(2)(v) of SCs & STs (POA) Act and Section 302 IPC in the above Sessions Case and the learned trial Judge after evaluating the evidence, acquitted all the accused observing that the prosecution failed to establish its case through direct evidence or circumstantial evidence. While acquitting the accused, the learned trial Judge ordered for confiscation of motor cycles viz., M.Os.9 and 10 to the State. Aggrieved by the same, the appellant-A1 filed this appeal.

3. The main grievance of the appellant is that since he was acquitted and no appeal was preferred by the State, he is entitled for taking return of the vehicles as he is the owner of the same.

4. Considering the submissions made by the learned Counsel for the appellant as well as the learned Additional Public Prosecutor, this Court is inclined to pass the following order:

“The trial Court is directed to return M.Os.9 and 10-
Motor vehicles to the appellant after verifying the documents
pertaining to the said vehicles.”

5. Accordingly, the Criminal Appeal is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 21.09.2016
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Nn.

