

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRI.P.No.5380 of 2016

ORDER

The petitioner filed this Criminal Petition by invoking the provisions under Section 482 r/w 457 Cr.P.C. seeking to direct the respondent to release the vehicle i.e., Tata Sumo Motor Car bearing No.AP.20-D-0697 involved in P.R.No.175 of 2015-16 on the file of the Prohibition and Excise, Kothagudem, Khammam District, for the offence under Section 34(a) of A.P.Excise Act, 1968.

2. Heard and perused the material available on record.

3. Petitioner herein filed Crl.M.P.No.871 of 2016 in P.R.No.175/2015-16 under Section 457 Cr.P.C., on the file of I Additional Judicial First Class Magistrate, Kothagudem, seeking to release the crime vehicle i.e., Tata Sumo Motor Car bearing Registration No.AP 20-D-0697 and the same was returned vide order dated 07.04.2016 on the ground of jurisdiction. Hence, the petitioner filed the present criminal petition seeking to release the said vehicle.

4. 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.

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

6. Considering these circumstances, it is directed that the vehicle i.e. Tata Sumo Motor Car bearing No.AP.20-D-0697, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on the petitioner executing a personal bond for Rs.2,00,000/- (Rupees two lakhs only) with one surety for the like sum to the satisfaction of the I Additional Judicial First Class Magistrate, Kothagudem, 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.

7. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

RAJA ELANGO, J

19th April, 2016

sj