

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.1928 of 2016

ORDER:

This Criminal Petition is filed by the petitioner under Section 482 Cr.P.C seeking to quash the docket order, dated 09.02.2016, in Crl.M.P. No.125 of 2016 in Crime No.10 of 2016, passed by the Judicial Magistrate of First Class, Andole at Jogipet, whereby the learned Magistrate dismissed the application filed by petitioner to review the order, dated 25.01.2016 passed in Crl.M.P. No.85 of 2016.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the material available on record.

The petitioner filed Crl.M.P. No.85 of 2016 before the Court below to return the case property i.e., lorry bearing No.AP 23 Y 6019 and the Court below, while allowing the said application on 25.01.2016 directed the petitioner to deposit the original registration certificate of the vehicle before that Court. Thereafter, the petitioner filed Crl.M.P. No.125 of 2016 before the Court below with a request to permit him to deposit certified copy of the registration certificate of the said vehicle since the original RC was deposited before the Judicial Magistrate of First Class, Siddipet in another crime. The Court below dismissed the said application through the impugned order. Aggrieved over the same, this criminal petition is filed.

A perusal of the docket order passed by the learned Magistrate discloses that the approach of the learned Magistrate is totally erroneous because when the Court passed an interim order in which an application to modify or review the earlier order passed by the same Court is filed, that interim application will not come under the preview of the provisions under Section 362 Cr.P.C. The request made by the petitioner is that instead of depositing the original registration of certificate of the crime vehicle, he may be permitted to deposit certified copy of the registration certificate since the original RC was deposited in another Court. Hence, this Court is inclined to pass the following order:

The petitioner is directed to file certified copy of the registration

certificate of his vehicle i.e. lorry bearing No.AP 23 Y 6019 before the Judicial Magistrate of First Class, Andole at Jogipet and on deposit of the same, the Court below is directed to accept the same for release of the vehicle to the interim custody of the petitioner.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

February 17, 2016.

KTL