

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.1141 of 2004

JUDGMENT:

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1. This appeal is filed by P.W.3 aggrieved over the order of confiscation of unmarked property viz., Scooter, made by the VIII Additional District & Sessions Judge (FTC), Vijayawada, in the judgment dated 15.3.2004 in S.C.No.17 of 2001.

2. The case of the appellant is as follows:

The accused in the above Sessions case were tried and acquitted for the offence under Sections 302 and 324 r/w 34 IPC. While acquitting the accused for the above offence by the judgment dated 15.3.2004, the trial Court ordered for confiscation of sub-item 17 of the unmarked property viz., the Scooter bearing No.AP 16 G 5153. Aggrieved by the said order, P.W.3 filed this appeal.

3. Learned Counsel for the appellant submitted that the vehicle in question belonged to the appellant and that the appellant is the relative of the deceased and A1, and that the vehicle in question stood in the name of the appellant and therefore, the appellant is entitled for its possession.

4. While admitting this appeal, this Court passed interim order releasing the vehicle in question.

5. It is not in dispute that the appellant is the owner of the vehicle in question. Considering the facts and circumstances of the case and in view of the fact that the above case was ended in acquittal, this Court is of the view that the appellant is entitled for possession of the vehicle in question. Therefore, the order of confiscation of the vehicle in question passed by the learned VIII Additional District & Sessions Judge (FTC) in S.C.No.17 of 2001 is set aside. In view of the fact that

the vehicle was ordered to be released to the appellant vide interim order dated 21.7.2004, the said order is made absolute.

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

JUSTICE RAJA ELANGO

Dated: 11th August, 2016
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