

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2012 of 2016

ORDER:-

- 1) The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. questioning the order dated 15.02.2016 passed in CrI.M.P.No.172 of 2016 in Crime No.85 of 2015 on the file of the Additional Judicial Magistrate of First Class, Giddalur.
- 2) The facts in issue are as under:
- 3) The petitioner is the owner of Ford Figo Car bearing No.AP 07 BC 2777. The above said vehicle was used by the accused for kidnapping the informant and his family members. Basing on the report given by one Thota Nagarjuna, a case in Crime No.85 of 2015 of Cumbum Police Station came to be registered for the offences punishable under Sections 120 (b), 365, 368, 384, 323, 509 and 506 read with 34 IPC. Pending investigation the police seized the said vehicle on 04.09.2015. During the pendency of investigation, the petitioner claiming himself to be the owner of Ford Figo Car bearing No.AP 07 BC 2777, filed CrI.M.P.No.172 of 2016 before the Court of Additional Judicial Magistrate of First Class, Giddalur seeking interim custody of the vehicle. By an order, dated 15.02.2016, the learned Magistrate rejected the application on the ground that the petitioner did not produce original registration certificate issued by the registering authority in his favour and no explanation is offered for not producing the original registration certificate. Challenging the same the present revision is filed.
- 4) Learned counsel for the petitioner submits that the petitioner lost the original registration certificate and after obtaining the duplicate from the R.T.A., he filed a petition seeking release of the vehicle.
- 5) Learned Public Prosecutor though opposed the revision but

submits that a direction may be given to R.T.A. to verify the ownership before releasing the vehicle.

6) In ***Surenderbhai Ambalal Desai v. State of Gujarat***^[1], the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

7) Having regard to the facts and circumstances of the case and taking into consideration that the nature of offence alleged and having regard to the principles of law laid down by the Apex Court in the decision stated supra, I am inclined to grant interim custody of Ford Figo Car bearing No.AP 07 BC 2777 seized in Crime No.85 of 2015 of Cumbum Police Station in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for Rs.3,00,000/- (Rupees three lakhs only) with one surety for a like sum to the satisfaction of the Additional Judicial Magistrate of First Class at Giddalur.
- ii) The trial Court shall verify the ownership of the vehicle with the concerned R.T.A. and only after being satisfied about the ownership of the vehicle shall release the same. The petitioner shall deposit the duplicate Registration Certificate of the vehicle in the Court.
- iii) The petitioner shall give an undertaking to produce the vehicle as and when required either by the Investigating Agency or the Court and also give an undertaking that he will not alienate, encumber or alter the physical features of the vehicle.

Accordingly, the Criminal Revision Case is allowed. Consequently, miscellaneous petitions, if any, pending shall stand closed.

16.08.2016
gkv

[\[1\]](#) (2002) 10 SCC 283

