

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**  
**CRIMINAL REVISION CASE No.1851 OF 2016**

**ORDER:**

This Criminal Revision Case is preferred challenging the docket order, dated 11.7.2016, in CrI.M.P.(SR)No.3700 of 2016 in Crime No.214 of 2016 on the file of the III Additional Chief Metropolitan Magistrate at Hyderabad whereunder and whereby, the petition filed by the petitioner under Section 457 read with Section 451 Cr.P.C. for interim custody of the vehicle i.e., Maruti Ertiga Car ZDI BSIV bearing Registration No.TS 09 EC 2700 was returned.

2. The petitioner herein filed the aforementioned petition seeking release of the aforesaid vehicle seized by Banjara Hills Police in connection with Crime No.214 of 2016 of Banjara Hills Police Station, Hyderabad for the offence punishable under Section 379 I.P.C. The Court below returned the said petition directing the petitioner to add the accused as a party to the proceedings. Aggrieved by the same, the present Criminal Revision Case is filed.

3. 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.

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

5. The order passed by the learned Magistrate is in accordance with law because if there is any claim by the accused, it has also to be taken into consideration and decided by the Court below. Hence, this Court is of the view that the impugned order needs no interference of

this Court. At the same time, it is informed by the learned counsel for the petitioner that as the impugned application was filed under Section 457 read with 451 CrI.P.C., the ownership need not be decided and it was filed only for the safe custody of the vehicle and hence, prays to direct the learned Magistrate to return the property.

6. Considering the submission of the learned counsel for the petitioner and the facts and circumstances of the case, it is directed that the vehicle i.e., Maruti Ertiga Car ZDI BSIV bearing Registration No.TS 09 EC 2700 shall be released for interim custody of the petitioner, subject to final orders to be passed in the criminal case, on petitioner executing a personal bond for a sum of Rs.2,00,000/- (Rupees two lakhs only) to the satisfaction of the III Additional Chief Metropolitan Magistrate at Hyderabad, and also on production of zerox copy of the R.C. book and other relevant documents. It is further directed that the petitioner shall not alienate the vehicle and shall not change the physical features of the same till the disposal of the criminal case. 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. With the above directions, the Criminal Revision Case is disposed of.

8. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

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**JUSTICE RAJA ELANGO**

15.7.2016

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**Date: 15.7.2016**

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