

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1860 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner-owner of the property aggrieved by the order dated 4.7.2016 passed in Crl.M.P.No.1815 of 2016 in Crime No.35 of 2016 by the Additional Judicial First Class Magistrate at Gudur.

2. The petitioner-owner filed the above Crl.M.P. for interim custody of the vehicles/lorries bearing Regn.Nos.KA 53 C 0648 and KA 53 B 5778 till disposal of the above crime. The said Crl.M.P. is dismissed by the learned Magistrate. Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material on record.

4. From the order under revision, it is obvious that the petitioner filed W.P.No.7795 of 2016 before this Court and the said writ petition was disposed of by this Court permitting the petitioner to make an application to the 2nd respondent in the writ petition viz., Assistant Director of Mines and Geology (Vigilance) Nellore, seeking release of his vehicles. This Court also directed the said Assistant Director of Mines and Geology (Vigilance) to consider the application that would be filed by the petitioner and pass appropriate orders. The petitioner without approaching the 2nd respondent in the writ petition filed the above Crl.M.P. before the Court below for release of his vehicles.

5. The Court below dismissed the above Crl.M.P. on the ground that the petitioner suppressed the facts in the petition and that in order to evade payment of penalty and the proposed conditions to be imposed by the Assistant Director of Mines and Geology (Vigilance) Nellore, moved the above Crl.M.P. The Court below further observed

that as the relief sought for in the present Crl.M.P. was already decided in the above Writ Petition, the above Crl.M.P. is not maintainable.

6. Considering the above facts and circumstances of the case, this Court is of the view that the order under revision does not warrant any interference by this Court.

7. Accordingly, the Criminal Revision Case is dismissed. However, the petitioner is at liberty to move an application before the 2nd respondent in Writ Petition No.7795 of 2016 as per the directions of this Court in the said writ petition. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Dated: 15th July, 2016
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