

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CrI.R.C. No.2736 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 Cr.P.C. challenging the order dated 21.10.2016 passed in CrI.M.P.No.36 of 2016, in Cr.No.87 of 2016 of Sathyavedu PS, on the file of the Judicial Magistrate of Second Class, Sathyavedu.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, representing the State of Andhra Pradesh.

3. It is the case of the petitioner that he is owner of Swift DZire bearing No.AP 04 AY 1234. It is the case of the petitioner that the police have seized the vehicle i.e., Swift Dzire bearing No.AP 04 AY 1234 in Cr.No.87 of 2016 of Sathyavedu PS, in connection with the offence punishable under Section 9(1) of the A.P. Gaming Act. The petitioner herein filed a petition under Section 457 Cr.P.C. for release of the said vehicle contending that the police seized the vehicle even though he is not a party to the above crime. The trial court dismissed the same, observing that the vehicle was seized from the possession of one P.Srinivasulu Raju (A.4), who confessed in the *mahazarnama* that the vehicle belongs to him.

4. If the vehicle is not released, it may cause untold hardship and financial loss to the petitioner. If the vehicle is released unconditionally, it may not be possible for the prosecution to secure the vehicle at time of trial.

5. Having regard to the facts and circumstances of the case, I am inclined to allow the revision by setting aside the order dated 21.10.2016 passed in CrI.M.P.No.36 of 2016 on the file of the Judicial Magistrate of Second Class, Sathyavedu, consequently, CrI.M.P.No.36 of 2016 is allowed and the Station House Officer, Sathyavedu PS, is directed to release the vehicle i.e., Swift Dzire bearing No.AP 04 AY 1234 in favour of the petitioner, on furnishing a bank guarantee for a sum of Rs.2,00,000/- (Rupees two lakh only) to his satisfaction. The petitioner is further directed to furnish an undertaking that he shall not alienate or alter the nature of the vehicle or create any third party interest over it pending disposal of the Cr.No.87 of 2016 of Sathyavedu PS. The petitioner is further directed to produce the vehicle before the trial court as and when required.

6. The criminal revision case is, accordingly, allowed. Miscellaneous petitions, if any pending in this case, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 01.11.2016.
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