

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.5716 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order dated 30.03.2015 passed by the Judicial Magistrate of First Class at Achampet, Mahabubnagar District, in connection with Crime No.137 of 2014 of Achampet Police Station, whereby, the petition filed under Section 451 Cr.P.C. was dismissed on the ground that the property belongs to the Government and not the petitioner as those pipes belong to the Telangana State Micro Project Irrigation Department.

2. In the present case, the scope is limited and when there is a dispute regarding ownership of the property, this Court cannot decide the ownership of the property, while exercising jurisdiction under Section 482 Cr.P.C. But the petitioner came forward to furnish bank guarantee for the value of the pipes seized in connection with the offences in this case. That apart, if the pipes were left with the custody of the Court or police, the pipes will be brittled during the course of time.

3. Therefore, taking into consideration the facts and circumstances of the case, the petitioner is directed to furnish bank guarantee before the Magistrate concerned for the value of the pipes in dispute, assessed by the Irrigation Department, and, on such furnishing of bank guarantee, the learned Magistrate is directed to release the property after obtaining necessary undertaking from the petitioner.

4. Accordingly, this Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

M.SATYANARAYANA MURTHY, J.

Date: 16-11-2016

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