

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE No.2602 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C., challenging the order dated 21.9.2016 passed by the Court of XI Additional Chief Metropolitan Magistrate, Secunderabad in CrI.M.P. No.2240 of 2016 in Crime No.53 of 2016 on the file of Mahankali Police Station.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. A perusal of the record reveals that the petitioner herein is not an accused in Crime No.53 of 2016. The petitioner claims to be the owner of Hundai Verna Car bearing Regn. No.AP 11 AP 0017. It is the case of the petitioner that the Police seized the car without any notice to him.

4. The learned Public Prosecutor, at the time of arguments, submitted that the son of the petitioner has been using the car for commission of offences. He further submitted that the petitioner filed CrI.M.P. No.2242 of 2016 for release of the car and the same was dismissed on the ground that the car is involved in several offences.

5. If the vehicle is kept in Police Station, the same may cause financial loss and hardship to the petitioner. So also, if the vehicle is released unconditionally, it may not be possible for the concerned Station House Officer to take appropriate action against

the petitioner in the event of the vehicle being liable for confiscation or fine.

6. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to set aside the order dated 21.9.2016 passed in CrI.M.P.No.2240 of 2016 in Crime No.53 of 2016.

7. Accordingly, the Criminal Revision Case is allowed setting aside the order dated 21.9.2016 passed in CrI.M.P.No.2240 of 2016 in Crime No.53 of 2016 on the file of the Court of the XI Additional Chief Metropolitan Magistrate, Secunderabad. Consequently, CrI.M.P.No.2240 of 2016 is allowed. The learned Magistrate is hereby directed to release Hundai Verna Car bearing Regn. No.AP 11 AP 0017 in favour of the petitioner on his furnishing a bank guarantee for an amount of Rs.5,00,000/- (Rupees Five Lakhs only). The petitioner is directed to file an undertaking that he will not alienate or create any third party interest over the vehicle in question, he will not alter the nature of the vehicle and he will produce the same as and when required before the authorities. Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.SUNIL CHOWDARY, J

Date: 11.11.2016
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