

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.2412 of 2016

ORDER:

This Criminal Petition is filed under Section 482 r/w.457 Cr.P.C. seeking to release the vehicle of the petitioner i.e. Honda Passion Pro Motor Cycle bearing Regd.No.AP 16 BT 1543 seized in Cr. No.931 of 2015-16 by the Prohibition and Excise Police, Nuzvid, Krishna District.

Heard and perused the material available on record.

The petitioner herein filed a petition under Section 451 Cr.P.C. seeking release of Honda Passion Pro Motor Cycle bearing Regd.No.AP 16 BT 1543 seized by the Prohibition and Excise Police, Nuzvid in connection with Crime No.931 of 2015-16, for the offence punishable under Section 7(A) r/w.8(e) of the A.P. Excise Act. The learned Judicial Magistrate of First Class, Nuzvid, returned the said application, on the ground of jurisdiction. Aggrieved by the same, the present criminal petition is filed.

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.

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

Considering these circumstances, it is directed that the vehicle i.e. Honda Passion Pro Motor Cycle bearing Regd.No.AP 16 BT 1543, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner furnishing a bank guarantee for Rs.30,000/- (Rupees thirty thousand only) with one surety for the like sum to the satisfaction of the Judicial Magistrate of First Class, Nuzvid, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the

criminal case and 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.

With the above directions, the Criminal Petition is disposed of. Consequently, miscellaneous petitions pending if any, shall stand closed.

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RAJA ELANGO, J

February 25, 2016.
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