

**THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY**

**CRIMINAL REVISION CASE No.2018 OF 2016**

**ORDER:**

This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C. challenging the order dated 20.05.2016 passed in CrI.M.P.No.739 of 2016 in Crime No.68 of 2016 on the file of the Court of the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar.

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

3. It is the case of the petitioner that he is the owner of the Bolero vehicle bearing No.TS-13-UA-6058 (Old No.AP-04-Y-9581). It is the case of the prosecution that on 29.03.2016 the vehicle in question was being used for transportation of calves. The Station House Officer, Shamshabad Police Station registered a case in Crime No.68 of 2016 under Sections 5, 6 and 10 read with 11 of A.P. Prohibition of Cow Slaughter Act, 1977 and Section 11(a) of the Prevention of Cruelty to Animal Act, 1960. The petitioner is not an accused in the main case. The petitioner filed CrI.M.P.No.739 of 2016 in Crime No.68 of 2016 under Section 451 read with 457 of Cr.P.C. for release of the vehicle and the trial Court dismissed the petition on the sole ground that there is a discrepancy in the number of the vehicle. A perusal of the Certificate of Registration of the vehicle bearing No.AP-04-Y-9581 clearly reveals that originally it belongs to one Ramana Reddy. It further reveals that the petitioner purchased the vehicle from one

Krishna and renumbered it as TS-13-UA-6058. A perusal of the record *prima face* reveals that the petitioner is the owner of the vehicle bearing No.AP-04-Y-9581.

4. 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.

5. 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 20.05.2016 passed in CrI.M.P.No.739 of 2016 in Crime No.68 of 2016.

6. Accordingly, the Criminal Revision Case is allowed setting aside the order dated 20.05.2016 passed in CrI.M.P.No.739 of 2016 in Crime No.68 of 2016 on the file of the Court of the VIII Metropolitan Magistrate, Cyberabad at Rajendranagar. The learned Magistrate is hereby directed to release the Bolero vehicle bearing No.TS-13-UA-6058 (Old No.AP-04-Y-9581) in favour of the petitioner on his furnishing a bank guarantee for an amount of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand 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 that he will produce the same as and when required before the authorities.

7. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

**T.SUNIL CHOWDARY, J**

Date: 07.11.2016  
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