

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5585 OF 2016

ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/A-2 seeking to quash the proceedings in Crime No.15 of 2016 on the file of the Judicial First Class Magistrate, Bellampally, Adilabad District.

2. Heard and perused the material available on record.
3. The offence alleged against the petitioner is punishable under Section 34(a) of the A.P. Excise Act, 1968.
4. After arguing for sometime, learned counsel for the petitioner while not pressing for the main prayer, confined his arguments only to the extent of release of Auto bearing Registration No.TS 01 DTR 8339 seized by Bheemini Police in connection with Crime No.15 of 2016 for the offence punishable under Section 34 (a) of the A.P. Excise Act. He submitted that the petitioner is the driver of the said 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.
5. Learned Additional Public Prosecutor objected for the same, since the vehicle is involved in a crime.
6. Considering these circumstances, it is directed that the vehicle i.e. Auto bearing Registration No.TS 01 DTR 8339 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.50,000/- (Rupees Fifty thousand only) with one surety for the like

sum to the satisfaction of the Judicial First Class Magistrate, Bellampally, Adilabad District, 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.

7. With the above directions, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

20.4.2016

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