

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

**CRIMINAL REVISION CASE NO.3232 OF 2016**

**ORDER:**

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 05-10-2016 in CrI.M.P.No.842 of 2016 in Cr.No.474 of 2016 of Miyapur Police Station, Hyderabad, on the file of the IX Metropolitan Magistrate, Cyberabad, Kukatpally.

2. Heard the learned counsel for the petitioner and the Assistant Public Prosecutor, representing the State.

3. A perusal of the record reveals that the lorry bearing Registration No. ATT 1517 met with an accident on 01-08-2016. Basing on the complaint, Station House Officer, Miyapur Police Station registered a case in Cr.No.474 of 2016 for the offences punishable under Sections 304-A and 337 IPC.

4. The petitioner herein filed the above CrI.M.P. under Section 451 Cr.P.C. for return of the vehicle in question. The trial Court dismissed the said petition on the ground that if the accused is found guilty and conviction is recorded against him, the vehicle is liable for confiscation.

5. Originally, the vehicle in question belongs to the husband of the petitioner. The vehicle is of 1973 model. The husband of the petitioner executed a will alienating the vehicle in favour of the petitioner.

6. If the vehicle is kept under the custody of the Police Station, the same may cause untold hardship and irreparable loss to the petitioner. So also, if the vehicle is released unconditionally, it may not be possible for the prosecution to take appropriate action against the petitioner in the event of the vehicle being liable for confiscation or fine.

7. Taking into consideration the facts and circumstances of the case, the Station House Officer, Miyapur Police Station is hereby directed to release the lorry bearing Registration No. ATT 1517 to the petitioner on her furnishing a bank guarantee for a sum of Rs.75,000/- (Rupees seventy five thousand only) to his satisfaction. The petitioner shall also furnish an undertaking that she shall not alienate or alter the nature of the vehicle or create any third party interest over it till the disposal of the main case.

8. With the above direction, the Criminal Revision Case is disposed of. Miscellaneous petitions pending, if any, in this revision shall stand closed.

**DATED: 23-12-2016.**  
Hsd

**T.SUNIL CHOWDARY, J**

