

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.7656 of 2016

ORDER

This petition under Section 482 Cr.P.C. is filed by the petitioner/accused seeking to set aside the order dated 17.02.2016 passed in CrI.M.P.No.386 of 2016 in Cr.No.35 of 2016 on the file of Judicial First Class Magistrate at Devarakonda, Nalgonda District, as confirmed in CrI.R.C.No.14 of 2016 dated 17.03.2016 on the file of Principal Sessions Judge, Nalgonda.

2. Heard learned counsel for the petitioner/accused and learned Additional Public Prosecutor representing the State.

3. The petitioner is the owner of tractor-trailer bearing registration Nos.AP 24 AP 2598 and AP 24 AP 2599, which came to be seized by the police, Devarakonda in Cr.No.35 of 2016 of Devarakonda Police Station. The petitioner moved CrI.M.P.No.386 of 2016 under Section 451 Cr.P.C. seeking release of said tractor-trailer. The learned Magistrate dismissed the application on the ground that the said vehicle was involved in another crime being Cr.No.15 of 2015 of Chandampet Police Station. Challenging the same, the petitioner filed CrI.R.P.No.14 of 2016 and the same was also dismissed. Hence, this Criminal Petition.

4. Learned counsel for the petitioner mainly submits that the petitioner, who is the owner of the vehicle, was not present at the time of the alleged incident and that his driver has misused the vehicle. He submits that no useful purpose would be served in keeping the vehicle idle at the police station.

5. Learned Additional Public Prosecutor though opposed the application did not dispute the ownership of the vehicle.

6. A perusal of the material placed before this Court would

indicate that a petition filed under Section 451 Cr.P.C., seeking release of the vehicle was dismissed and the same was also confirmed in the revision.

7. In **Surenderbhai Ambalal Desai v. State of Gujarat¹**, the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the police stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

8. Having regard to the facts and circumstances of the case and the principles of law laid down by the Apex Court in the decision cited supra,

I am inclined to grant interim custody of the tractor-trailer bearing registration Nos. AP 24 AP 2598 and AP 24 AP 2599 seized in Cr.No.35 of 2016 of Deverakonda Police Station, in favour of the petitioner on the following conditions;

(1) The petitioner shall execute a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with one surety for a like sum to the satisfaction of the Judicial First Class Magistrate, Devarakonda;

(ii) The petitioner shall give an undertaking to produce the vehicle as and when required by the Court and also give an undertaking not to alienate, encumber or alter the physical features of the vehicle.

9. Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

7th June, 2016

Note:

Issue CC by two days.

(Bo)

sj