

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.278 of 2016

ORDER

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the docket order dated 22.01.2016 passed in CrI.M.P.No.43 of 2016 in Crime No.11 of 2016 by the XX Metropolitan Magistrate, Cyberabad at Malkajgiri.

2. Heard and perused the material available on record.

3. Petitioner herein filed the impugned application under Sections 451 and 457 of the Code of Criminal Procedure before the Court below seeking to give interim custody of the case property i.e., goods carrier vehicle bearing No.AP28 TD 1645, which was dismissed by the Court below vide impugned order. Challenging the same, present revision is filed.

4. 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.

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

6. Considering the facts and circumstances of the case and even though the vehicle is liable to be confiscated, no prejudice would be caused for investigation if the vehicle is released for interim custody. Therefore, it is directed that the goods carrier vehicle

bearing

No. AP28 TD 1645, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the XX Metropolitan Magistrate, Cyberabad at Malkajgiri 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. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

29th January, 2016

sj