

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

CRIMINAL PETITION No.12393 of 2016

ORDER:

This Criminal Petition is filed by the petitioner, under Section 482 read with 457 of Cr.P.C., with a prayer to direct the 3rd respondent herein to forthwith release TATA ACE goods vehicle bearing No.AP 36Y 3821 seized in connection with Crime No.68 of 2016 of Shayampet Police Station, Warangal District, registered for the offences punishable under Sections 379 of IPC and 20, 29 and 44 of the A.P. Forest Act, 1967.

Learned counsel for the petitioner has submitted that the petitioner is owner of the vehicle and since the date of seizure, it is in the custody of the police and if it is exposed to sun and rain, there is every likelihood of the vehicle being spoiled, and that the petitioner will give an undertaking that she will not alienate the vehicle and change its features and she will produce the vehicle as and when directed by the Court.

In **Sunderbhai Ambalal Desai Vs. State of Gujarat** [\[1\]](#) 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 owner subject to appropriate conditions.

In view of the above, the Criminal Petition is allowed and

TATA ACE goods vehicle bearing No.AP 36Y 3821 seized in connection with Crime No.68 of 2016 of Shayampet Police Station, Warangal District, shall be entrusted to the interim custody of the petitioner on the following conditions:

- a) he shall execute a personal bond for Rs.2,00,000/- (Rupees Two lakh only) to the satisfaction of the 3rd respondent – the Forest Range Officer, Mulugu, Warangal District;
- b) he shall not alienate the vehicle or alter its nature; and
- c) he shall produce the vehicle before the Court concerned, as and when directed by the learned Magistrate.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K. JAISWAL, J

August 27, 2016
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THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

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