

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40200 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 3rd respondent in seizing the petitioner's tractor bearing Registration No.AP 27G 2576 and trailer bearing Registration No.AP 27G 2577 in FIR No.135 of 2016, dated 28.10.2016, under Sections 379 IPC, Section 21(2) of MMDRA and Section 3 of PDPPA, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is the registered owner of tractor bearing registration No.AP 27G 2576 and trailer bearing Registration No.AP 27G 2577 and that the constable from the 3rd respondent lodged a complaint before the 3rd respondent alleging that the petitioner was illegally transporting the sand from the Dundubi Vagu and damaging the government property. The constable brought the tractor to the 3rd respondent police station and registered a case in FIR No.135 of 2016 under Section 379 IPC, Section 21(2) of MMDRA and Section 3 of PDPPA.

Learned counsel for the petitioner submits that if the vehicle is exposed to sun and rain and is kept idle, it would be damaged. He further submits that the petitioner is ready and willing to furnish security for release of the vehicle and also produce the vehicle as and when required by the concerned Magistrate.

Learned Government Pleader also submitted that interim custody of the crime vehicle can be granted to the petitioner by imposing certain conditions.

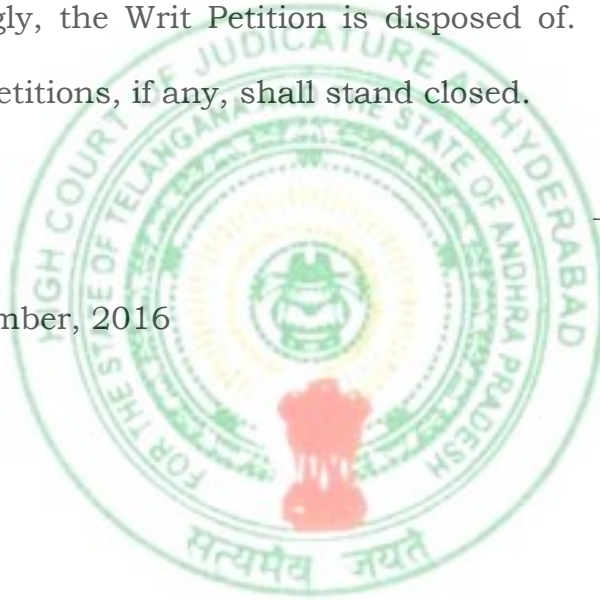
Considering these circumstances, it is directed that vehicle i.e. tractor bearing Registration No.AP 27G 2576 and trailer bearing

Registration No.AP 27G 2577 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of main case, on his executing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties for the like sum each 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 he shall undertake to produce the vehicle as and when required by the concerned Magistrate. The said order will not stand in the way of the confiscation proceedings.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 22nd November, 2016

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RAJA ELANGO,J