

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.5360 OF 2016

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ORDER:

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This petition is filed by the petitioners Nos.1 and 2 -Accused Nos.4 and 2 respectively under Section 482 Cr.P.C. seeking a direction to the Station House Officer, Etcherla Police Station, Srikakulam District, to release their vehicles seized in Crime No.38 of 2016.

Heard and perused the material available on record.

It is alleged that the petitioners were found transporting sand illegally in the vehicles seized in the above crime.

Learned Counsel for the petitioners submitted that the petitioners are the owner of the vehicles viz., Tractor bearing No.AP 30 X 5854 along with its trailer bearing No.AP 30 X 5843 and Tractor bearing No.AP 30 X 4963 along with its trailer bearing No.4962 seized in the above crime and the same are very essential for their livelihood. He further submitted that if the vehicles are exposed to sun and rain for a long period, they will be damaged. He also submitted that the petitioners are ready to produce the vehicles as and when required by the Court.

Learned Additional Public Prosecutor also submitted that interim custody of the crime vehicles can be granted to the petitioners by imposing certain conditions.

Considering the above circumstances, the Station House Officer, Etcherla Police Station, Srikakulam District is directed to release Tractor bearing No.AP 30 X 5854 along with its trailer bearing No.AP 30 X 5843 to the interim custody of the petitioners, if it was not involved in any other crime, on their executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the Judicial Magistrate of First Class, Srikakulam. Further, the aforesaid Station House Officer is directed to release the

Tractor bearing No.AP 30 X 4963 along with its trailer bearing No.4962 seized in the above crime for interim custody of the petitioners, if it was not involved in any other crime, on their executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the Judicial Magistrate of First Class, Srikakulam. The release of the above vehicles shall be subject to final orders to be passed at the time of disposal of the main case, and also on production of original R.C. books. It is further directed that the petitioners shall not alienate the vehicles, shall not change the physical features of the same till the disposal of the criminal case and further they shall undertake to produce the vehicles as and when required by the Court below. It is made clear that this order will not stand in the way of confiscation proceedings, if any.

Accordingly, the Criminal Petition is allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 18.4.2016

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DATED 18.4.2016

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