

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1366 OF 2016

ORDER:

This revision is preferred challenging the docket order, dated 16.4.2016, in CrI.M.P.No.137 of 2016 in PCOR No.931 of 2015-2016 on the file of the Special Judicial Magistrate of First Class (Prohibition and Excise), Mahabubnagar, whereunder and whereby, the petition filed by the petitioner for interim custody of the vehicle i.e., Honda Bike bearing Registration No.TS 06 EA 5282, was dismissed.

2. The petitioner herein filed a petition under Section 457 Cr.P.C. seeking release of the aforesaid vehicle seized by Mahabubnagar Prohibition and Excise Police in connection with PCOR No.931 of 2015-2016 of Prohibition and Excise Police Station, Mahabubnagar for the offences punishable under Section 34(e) and 13(1)(f) of the A.P. Excise Act, 1968 and Clause (3) of the GURU (Regulation of Use) Order, 1968 and the same was dismissed by the Court below on the ground of jurisdiction. Aggrieved by the same, the present revision is filed.

3. 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.

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

5. Considering these circumstances, it is directed that the vehicle i.e. Honda Bike bearing Registration No.TS 06 EA

5282 shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner furnishing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with one surety for the like sum to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition and Excise), Mahabubnagar, 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.

6. With the above directions, the Criminal Revision Case is disposed of.

7. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

8.6.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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Date: 8.6.2016

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