

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.316 OF 2016

ORDER:

Petitioner-A1-Owner of the Vehicle filed this Criminal Revision Case by invoking the provision under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the order dated 4.01.2016 passed in CrI.M.P.No.9089 of 2015 in Crime No.969/2015-16 (Tiruvuru Excise Station) by the Judicial Magistrate of First Class, Tiruvuru.

Heard.

Petitioner herein filed the impugned application under Section 457 of the Code of Criminal Procedure seeking to release the vehicle i.e., two wheeler Bajaj Discover 150 F BSIII bearing Registration No.AP 16-CY-1018, Chassis No.MD2A64CZ7EWG29793, Engine No.JEZWEG34150 and the said application was dismissed by the learned Magistrate vide impugned order. Challenging the same, the present revision is filed.

Learned Counsel for the petitioner submitted that the petitioner is the owner of the vehicle and the same is very essential for his daily works and further, if the vehicle is kept idle for a long period there is every possibility of getting it damaged. He also submitted that the petitioner is ready to produce the vehicle as and when required by the Court.

Learned Additional Public Prosecutor 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 viz., two wheeler Bajaj Discover 150 F BSIII bearing Registration No.AP 16-CY-1018, Chassis No.MD2A64CZ7EWG29793, Engine

No.JEZWEG34150 shall be released for interim custody of the petitioner, subject to final orders to be passed at the time of disposal of the main case, on his executing a personal bond for Rs.30,000/- (Rupees Thirty Thousand only) with one surety for the like sum to the satisfaction of the Judicial Magistrate of First Class, Tiruvur, 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. It is made clear that this order does not preclude the authorities to pass confiscation proceedings, if any. If confiscation proceedings have already been passed, this order will not have any effect.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Date : 1.2.2016

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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DATED 1st February, 2016.

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