

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.408 of 2017

ORDER :

Aggrieved by the order dated 03.01.2017 in CrI.MP.No.2016 of 2016 in Crime No.183 of 2016 of Chennaraopet Police Station, passed by the Judicial First Class Magistrate, Narsampet, this revision is filed by the petitioner/ owner of the vehicle.

2. Heard both sides and perused the impugned order and other material on record.

3. The petitioner sought for interim custody of the tractor 475 D1 bearing Chasis No.MBNAAAJXAGZH00055-Mahendra and Trolly No.AP 36 AX 8217 involved in the offence covered by the Essential Commodities Act from clandestinely dealing with of 48 rice bags of 50 Kgs. each of a total of Rs.24 quintols against the control orders and the learned Magistrate dismissed the same. No doubt, as held by the Apex Court in *Sunderbhai Ambalal v. State of Gujarat*¹, the tractor-trolly unless used and kept idle not only the tyres being damaged but also the engine and other spare parts mainly of iron made must be rusted and ultimately become junk by dis-use.

4. Having regard to the above, without prejudice to the proceedings under Section 6-A of the Act, to confiscate or to impose penalty and if at all even also in the criminal proceedings from the charge sheet filed and cognizance taken for the offence by the learned Magistrate concerned from trial, to pass appropriate

¹ (2002) 10 SCC 290

property disposal order, it is just to permit for interim custody of the tractor and trolley to the petitioner, subject to execution of self-bond with undertaking of maintain as it is in condition and produce as and when required and not to transfer or alienate in any manner, by intimating the same by the learned Magistrate to the R.T.A. Authorities concerned, not to effect any transfer and on furnishing of immovable property security or bank guarantee or cash deposit worth Rs.7,00,000/- (Rupees Seven lakhs only) for keeping the interim custody by maintaining the vehicle in same condition of use and to produce and to abide by the ultimate property order.

5. Accordingly, the Criminal Revision Case is allowed.
6. Miscellaneous petitions, pending if any, shall stand closed.

Date:14-03-2017
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Dr. B. SIVA SANKARA RAO, J

