

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23990 of 2017

ORDER:

This Writ Petition is filed for a mandamus to declare the action of respondents in not releasing the petitioner's vehicle bearing No.KA 01 MG 789 as illegal and arbitrary.

The petitioner is pleaded that she is the owner of the above mentioned vehicle and the said vehicle was met with an accident and in the said accident there is no injury to anybody, but the same has sustained huge damage. In that regard, 3rd respondent registered a Crime No.319 of 2016 for the offence under Section 337 IPC, and detained the said vehicle in Eluru II-Town Police Station. Thereafter, seeking release of her vehicle she filed a petition on the file of II Addl.Judicial First Class Magistrate Court, Eluru, under Sections 451 and 457 of Cr.P.C., but the same was returned with an endorsement that there is no seizure of the property, thereafter her nephew approached the respondents for release of the vehicle, in that connection they directed to get suitable orders from the Court. Hence, the present Writ Petition.

Heard the learned counsel for the petitioner.

Learned Government Pleader for Home (A.P.) placed on record the written instructions submitted by the 3rd respondent-Station House Officer, II-Town Police Station, Eluru, wherein the allegations of the petitioner are categorically denied and submitted as follows:

“It is submitted since the Tata Safari car baring No.KA 01 MG 789, was found abandoned pursuant to the accident at the scene of offence, the same was brought to the II Town P.S., for safe custody. While being so, the petitioner herein filed the present writ petition before this Hon'ble Court, without approaching the II Town P.S.”

In view of the above quoted Para, liberty is given to the petitioner to approach the 3rd respondent with necessary documents to establish her ownership with respect to the seized vehicle and obtain the possession of the vehicle after complying the legal formalities. Upon receipt of such application and documents, the 3rd respondent shall consider the same and take appropriate decision thereon within one week from the date of receipt of such application and communicate the same to the petitioner.

Subject to the above direction, the writ petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

Date:13.09.2017

Note: Issue CC forthwith.
B/o
Ssv

CHALLA KODANDA RAM, J.

