

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.655 OF 2017

ORDER:

A direction petition is filed under Section 457 read with Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Code') by the owner of the vehicle bearing No.AP-31-AX-6677 which was seized in Crime No.55 of 2016 of Makavaripalem Police Station, Visakhapatnam District, Andhra Pradesh State, for the offences punishable under Section 8 (e) read with Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, requesting to relax the condition imposed by the learned Metropolitan Sessions Judge-cum-Special Court for NDPS Cases at Visakhapatnam, dated 11.1.2017, in Criminal M.P. No.3751 of 2016.

2. The learned Sessions Judge while ordering release of the vehicle i.e., Scorpio Car bearing No.AP-31-AX-6677 with Chassis and Engine Numbers mentioned in the order imposed eight conditions.

3. The first condition thereof is now sought to be modified in the present petition.

4. Heard Sri Challa Srinivas Reddy, learned counsel for the petitioner and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

5. The submission of the learned counsel for the petitioner is that the direction given by the Court below that “the petitioner shall furnish a fixed deposit equivalent to the value of the vehicle as determined by the Motor Vehicles Inspector and to the satisfaction of the Additional Judicial Magistrate of First Class, Narsipatnam” is arduous and, therefore, requests to furnish third party solvency security instead of deposit in cash.

6. The learned Assistant Public Prosecutor for the State of Andhra Pradesh would resist the request stating that in every matter where similar conditions were imposed by the learned Special Sessions Judge to try the Cases under the provisions of NDPS Act, fixed deposit is insisted, and this case cannot be an exception.

7. Perused the orders passed by the Court below. Certainly, it cannot be said that direction to furnish fixed deposit equivalent to the value of the vehicle as determined by the Motor Vehicles Inspector to the satisfaction of Additional Judicial Magistrate of First Class, Narsipatnam cannot be faulted, as this case cannot be treated as an exceptional case to modify the order on the lines, as requested by the learned counsel for the petitioner. Therefore, the said submission is rejected.

8. During pendency of the proceedings, the petitioner has obtained a Certificate from the Motor Vehicles Inspector, Narsipatnam, Visakhapatnam District, dated 10.2.2017, wherein the Motor Vehicles

Inspector shown the value of the vehicle against the upset price of Rs.1,50,000/-, Model being 04/2008. Therefore, the petitioner is directed to furnish a fixed deposit of the value assessed by the Motor Vehicles Inspector to the satisfaction of the Additional Judicial Magistrate of First Class, Narsipatnam.

9. The Criminal Petition is accordingly disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition shall stand closed.

Dt. 19.04.2017
gbs

A. SHANKAR NARAYANA, J

