

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRL R.C. NO.2250 OF 2017

ORDER:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C. challenging the order returning the petition filed under Section 451 Cr.P.C. for return of the vehicle during the pendency of trial by endorsement dt.30.06.2017 passed by the Judicial First Class Magistrate, Narayanpet.

2. The petitioner is the accused and owner of Mahindra Bolero vehicle for the offence punishable under Section 420 I.P.C. and Section 7 of Essential Commodities Act, filed this petition for return of the vehicle during the pendency of investigation and trial.

3. The trial Court returned the petition on the ground that it is not maintainable in view of Section 6-C of Essential Commodities Act. Section 6-C of the Essential Commodities Act provides an appeal to any person aggrieved by an order of confiscation under Section 6-A of the Essential Commodities Act. An appeal is provided only against the order passed by Joint Collector, exercising power under Section 6-A of the Essential Commodities Act. But, the Joint Collector already passed final order dt.21.07.2017 for release of the vehicle bearing No. TS-06-UA-0146 to Sri Venkatesh son of Nagappa subject to certain conditions. Therefore, the question of confiscation of vehicle by exercising power under Section 6-A of the Essential Commodities Act by the appellate Court does not arise. However, it is not a bar to exercise jurisdiction under Section 451 Cr.P.C. by the Magistrate. Therefore, return of the petition on the ground that an appeal is provided against the order passed under Section 6-A of the Essential Commodities Act, Section 6-C of E.C. Act is not tenable and

hence, the trial Court is directed to register the miscellaneous petition and dispose of the petition in accordance with law keeping in mind the proceedings issued by the Joint Collector, dt.21.07.2017.

4. With the above direction, the criminal revision case is disposed of. Miscellaneous petitions, if any, pending in this case shall stand closed.

DATE:08-08-2017
ccm

M.SATYANARAYANA MURTHY,J



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