

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.1103 OF 2017

ORDER:

Heard, before admission, the counsel for petitioner and also the learned public prosecutor representing the State and perused the impugned order, which clearly shows the owner of the tipper is cited as accused and he is in abscondence. Without surrendering, he cannot maintain the petition.

Now, it is the submission of the counsel for the petitioner that he is not at all averred as accused. Once such is the case, proper remedy is left open to the petitioner to approach by filing a fresh petition by explaining the same with reference to remand report before the court and also by producing the R.C.book or its copy of the tipper in showing the ownership, if at all to release, with necessary conditions of undertaking to produce and bond and security for the value of the vehicle as interim measure, as *custodia legis*, on behalf of the court only to make use of pending final disposal and undertaking to produce as and when required as laid in ***Sunderbhai Ambalal Desai Vs. State of Gujarat*¹**.

Accordingly and with the above observation, this criminal revision case is dismissed. Miscellaneous petitions pending, if any, in this case shall stand closed.

DR.B.SIVA SANKARA RAO, J

19.04.2017
SS

¹ AIR 2003 SC 638