

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2013 of 2017

ORDER:

This Writ Petition was filed challenging the action of the second respondent in not giving the interim custody or producing before the concerned Court the vehicle Ashok Leyland Lorry bearing No.AP 13 X 1460 involved in Crime No.251 of 2016, dated 27.10.2016, for the offence punishable under Section 379 IPC read with Section 21(4) of the Mines and Minerals (Development and Regulation) Act, and Section 3 of the Prevention of Damage to Public Property Act.

Learned Government Pleader, on the basis of the instructions, submits that the vehicle was produced before the concerned Court on 28.10.2016, but the Court directed the Police to deposit the lorry after conduct of sand auction, as the lorry was seized with sand. The Police addressed a letter on 05.11.2016 to the Tahsildar, Tandur Mandal, Vikarabad, for conducting the auction, and since no auction was conducted, the lorry could not be produced.

It is clear from the above instructions that the Court directed the production of empty lorry after conduct of sand auction. But, due to non-conduct of auction, the lorry also could not be produced before the Court.

In the circumstances, the second respondent is directed to unload the sand by intimating to the Tahsildar and handover

the sand to the Tahsildar for safe custody and produce the vehicle before the concerned Court, within a period of one week from the date of receipt of a copy of this order, in order to enable the petitioner to file appropriate application for release of the vehicle involved in the crime.

The Writ Petition is, accordingly, disposed of at the stage of admission. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

07.02.2017
vs



(A.RAMALINGESWARA RAO, J)