

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.12028 OF 2015

ORDER:

The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') requesting to release the vehicle towards interim custody to the petitioner by setting aside the order dated 08.10.2015 passed in CrI.M.P.No.6513 of 2015 in C.C.No.51 of 2015 on the file of the Additional Judicial Magistrate of First Class, Tiruvuru.

2. Heard Sri V.R.Reddy Kovvuri, learned counsel for the petitioner and Sri K.R.Srikanth, learned counsel for respondent No.2.

3. Learned counsel for the petitioner drawn the attention to the order, dated 20.02.2013 in CrI.M.P.No.620(A) of 2013, wherein, the learned Magistrate in an application filed under Sections 451 and 457 of the Code released the vehicle in favour of one Matta Yadaiah, who is A.2, on executing a personal bond for Rs.3,00,000/- with two sureties for the like sum each.

4. Subsequently, the very same Court in an application filed under Section 457 of the Code in CrI.M.P.No.6513 of 2015 passed order, on 08.10.2015, refusing to grant interim custody to the Finance Company, who is the petitioner herein, observing that the said Court cannot revert back from its own order and grant the vehicle for interim custody to another petitioner and also observing that there were no changed circumstances to accede to such relief dismissed the petition.

Aggrieved over the same, the petitioner filed the present criminal petition.

5. Learned counsel for the petitioner has drawn attention to the Loan Hypothecation Agreement-vehicle finance. From the contents therein, it is clear that the petitioner has provided finance to a tune of Rs.3,00,000/- towards loan, which sheet is annexed to the material papers. It is submitted by the learned counsel for the petitioner that the vehicle was not taken by the respondent No.2-accused No.2.

6. Learned counsel for respondent No.2 would submit that due to paucity of funds and inability to get sureties with security of Rs.3,00,000/- each, accused No.2 did not take back the lorry towards interim custody.

7. Be that as it may, the Calendar Case relates to the year 2005 and it would be proper to direct the learned Additional Judicial Magistrate of First Class, Tiruvuru, to dispose of C.C.No.51 of 2015 itself including disposal of case property, within two months from the date of receipt of a copy of the order.

8. With the above observation, the Criminal Petition is disposed of.

9. Miscellaneous Petitions pending, if any, shall stand closed.

A. SHANKAR NARAYANA, J

10th April 2017

Note:

Issue C.C. in (3) days.

B/o.

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