

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.622 of 2017

ORDER:

Though it is a revision maintained by the owner of the vehicle bearing No.AP-21-H-2271 involved in the alleged offence under Section 379 IPC of crime No.43/2016 of V.Kota Police Station, impugning the order imposing penalty while supporting the order to release the vehicle from the interim custody subject to executing of self bond with surety for Rs.3,00,000/-, a perusal of the impugned order no way shows the other requirements to be complied with as per the expression of the Apex Court in **Sunderbhai Ambalal Desai Vs. State of Gujarat¹**.

Having regard to the above, while setting aside the order imposing the penalty as it is premature to decide under G.O.Ms.No.42 dated 29.03.2016 by the learned Magistrate without trial if at all under the provisions of the Act, leave the other power of the authorities concerned, if at all to impose penalty, the learned Magistrate is directed to give fresh disposal after production of the proof by the copy of the C-Book of the vehicle including as to value of the tractor and trailer respectively to obtain a bond and surety to a just value with necessary conditions to produce as and when required during trial and keep it in the same condition without any right of alienation and to forfeit the bond by imposing penalty under Section 53 IPC if at all there is any violation.

¹ 2002 (10) SCC 283

Subject to the above observation, the criminal revision case is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 15.03.2017
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