

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.1703 OF 2017

ORDER:

The criminal revision is filed under Sections 397 and 401 Cr.P.C. questioning the order dated 07.06.2017 in CrI.M.P.No.1120 of 2017 in Crime No.128 of 2016 of Mydukur police station filed under Section 457 of Cr.P.C. for release of the car bearing No.KA05-ML 3722 as interim custody, but the Court dismissed the petition on the ground that the Magistrate has no power to release the vehicle since the offence registered against the petitioner is punishable under Sections 307, 332, 353, 379 read with 34 IPC, Section 3 of PDPP Act, Section 20(i)(c)(ii)(iii)(iv)(vi)(x) and Section 29(ii)(B) of A.P. Forest Act, 1967, Rule 3 of A.P. Forest Red Sander Wood and Sander Wood transits Act, 1969, Rule 3 of A.P. Red Sander Wood Possession Rules, 1989 and only forest officials are vested with the power to release the vehicle.

During hearing, Public Prosecutor brought to the notice that the vehicle was produced before the forest officials on 16.06.2016. In view of the production of vehicle before the forest officials, the petitioner may approach the forest officials under Section 44 of the A.P. Forest Act to claim interim custody of the vehicle since the forest officials are alone competent to order interim custody of the vehicle.

Considering the facts and circumstances of the case, more particularly, production of vehicle on 16.06.2016 before the forest officials, the Criminal Revision Case is dismissed giving liberty to the petitioner to file an appropriate petition before the forest

officials for interim custody of the vehicle and on filing of such petition, the forest officials are directed to decide the petition, as expeditiously as possible, in any event not later than one month after filing the petition.

Miscellaneous petitions, pending if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 12.09.2017
ssp

