

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2396 of 2017

ORDER:

At the out set, it is to be viewed that the present petition is misconceived under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.'), since the request made herein is to quash the order dated 02.11.2016 in Calendar Case No.263 of 2009 passed by the learned Special Magistrate, Nandyal, whereby and whereunder, the vehicles, which were exhibited as Material Objects 1 to 6, were directed to be confiscated to the State while acquitting accused Nos.1, 2 and 4 to 6 on the ground that no one has claimed the above said vehicles. Thus, the order of confiscation by the learned Magistrate has to be construed as an order having been passed under the provisions of Section 452 of the Code. In such an event, the remedy available to the petitioner is to invoke the provisions of Section 454 of the Code by preferring an appeal, which does not restrict the parties, as the opening words would read thus: "Any person aggrieved by an order made by a Court under Section 452 or Section 453, may appeal against it to the Court to which appeals ordinarily lie from convictions by the former Court". Therefore, the present petition is misconceived.

2. With the aforesaid observation, the criminal petition is disposed of.

3. As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

March 23, 2017.

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