

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.3307 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 27-10-2016 in CrI.M.P.No.228 of 2016 in S.C.No.251 of 2016 on the file of the IX Additional District and Sessions Judge, Chittoor.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor, representing the State.

3. A perusal of the record reveals that the petitioner herein and others are facing trial in the above S.C.No.251 of 2016 for the offences punishable under Sections 364, 302, 379 and 201 r/w 34 IPC. During the pendency of trial in the above S.C., the petitioner filed the above CrI.M.P. under Section 457 Cr.P.C. for release of the vehicle Maxi Cab bearing No.AP 26 TD 1757 and the said petition was dismissed. Hence, this revision.

4. The petitioner claims that he is the owner of the vehicle in question. A perusal of the record reveals that the vehicle in question was seized by the Investigating Officer during the course of investigation. A perusal of the record further reveals that the vehicle was kept under the custody of the Station House officer, Pakala. The trial Court dismissed the petition on the sole ground that the vehicle in question was used in the commission of offence.

5. If the vehicle is kept under the custody of the Police Station, the same may cause untold hardship and irreparable loss to the petitioner. So also, if the vehicle is released unconditionally, it may not be possible for the prosecution to take appropriate action against the petitioner in the event of the vehicle being liable for confiscation or fine.

6. Taking into consideration the facts and circumstances of the case, the petitioner is hereby directed to furnish a bank guarantee of Rs.4,00,000/- (Rupees four lakhs only) in favour of IX Addl. District and Sessions Judge, Chittoor. On furnishing such a bank guarantee, the learned Sessions Judge, Chittoor is hereby directed to direct the Station House Officer, Pakala, to release the vehicle Maxi Cab bearing No.AP 26 TD 1757 in favour of the petitioner. The petitioner shall also furnish an undertaking that she shall not alienate or alter the nature of the vehicle or create any third party interest over it till the disposal of the main case.

7. Accordingly, the Criminal Revision Case is allowed setting aside the order, dated 27-10-2016 in CrI.M.P.No.228 of 2016 in S.C.No.251 of 2016 on the file of IX Addl. District & Sessions Judge, Chittoor and consequently, CrI.M.P.No.228 of 2016 is allowed with the above directions. Miscellaneous petitions pending, if any, in this revision shall stand closed.

DATED: 06-01-2017.
Hsd

T.SUNIL CHOWDARY, J