

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1161 OF 2017

ORDER:

Heard Sri K. Sai Babu, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Telangana.

2. Perused the order under challenge in the present Criminal Petition i.e., the order, dated 20.1.2017 in CrI.M.P.No.39 of 2017 on the file of learned Judicial Magistrate of First Class, Korutla, Karimnagar.

3. The learned Magistrate has expressed the view on the registration certificate filed by the petitioner would reveal that the vehicle is Tata Safari but in the confessional-cum-recovery panchanama the description of the vehicle mentioned as Tata Sumo and the original Registration Certificate was not filed by the petitioner. Basing on this ground, the request of the petitioner was rejected.

4. Now, the learned Additional Public Prosecutor has got clarified that in fact the vehicle seized was Tata Safari but not Tata Sumo but, somehow, while drafting the confessional-cum-recovery panchanama, the description of the vehicle is shown as Tata Sumo instead of Tata Safari. Therefore, the learned Magistrate can treat that Tata Safari was the vehicle seized but not Tata Sumo and ought not entertain any doubt by looking at the confessional-cum-recovery panchanama.

5. Concerning, failure to file original registration certificate, the learned counsel for the petitioner would submit that since the original certificate was lost the petitioner obtained duplicate copy thereof from the concerned authority. In such an event, the learned Magistrate may

take into consideration the duplicate registration certificate and can pass orders.

6. Having regard to the above observations, the order passed by the learned Magistrate is hereby set aside, remanding the matter to the learned Judicial Magistrate of First Class, Korutla restoring CrI.M.P.No.39/ 2017 to his file and to hear the matter and pass orders in accordance with law.

7. Accordingly, the Criminal Petition is allowed.

8. Consequently, miscellaneous petitions if any pending in the criminal petition shall stand closed.

Dt. 23.02.2017
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A. SHANKAR NARAYANA, J

