

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.1302 OF 1997

ORDER:

This writ petition is filed being aggrieved by the order of confiscation of an auto rickshaw vide proceedings dated 28.11.1995 in P.R.No.223/1994-95, dated 06.09.1995 of Prohibition and Excise Station, Godavarikhani. An appeal has been filed before the Commissioner in proceedings in Cr.No.337/96/DPE/B2 and the same was disposed of on 05.10.1996 in confirming the orders of the Deputy Commissioner of Prohibition and Excise, Karimnagar Division, in confiscating the vehicle.

The main contention in the Appeal was with regard to *mens rea* of the owner of the vehicle in involving the crime.

On a careful perusal of the orders of the fourth respondent/Deputy Commissioner of Prohibition and Excise, and the order of the appellate authority, i.e., the third respondent/ Commissioner of Prohibition and Excise, Hyderabad, this Court feels that the respondents 3 and 4 have not given any cogent and convincing reasons in their orders in confiscating the vehicle of the petitioner, more particularly, with regard to *mens rea* of the owner of the vehicle involved in crime. Further, they have failed in appreciating the evidence in proper perspective. Hence, the order, dated 28.11.1995 passed by the fourth respondent and the order, dated 05.10.1996, passed by the third respondent are liable to be set aside and are accordingly set aside.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, pending if any, in the writ petition, shall stand closed.

T.AMARNATH GOUD, J

10.11.2017
pln