

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.34348 OF 1997

ORDER:

This writ petition is filed being aggrieved by the order of confiscation of Tata Sumo Jeep bearing No.MH 04Q-23475 vide proceedings dated 09.09.1997 in Cr.No.920/96/PE/B2, of the first respondent. An appeal has been preferred before the third respondent in Cr.No.3640/97/DPE/B2 and the same was disposed of on 01.12.1997 confirming the order of the first respondent, 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 first 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 1 and 3 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 09.09.1997 passed by the first respondent and the order, dated 01.12.1997, 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