

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.2343 of 2017

ORDER

This writ petition is filed seeking to declare the highhanded action of the 2nd respondent in pressurizing the petitioner to handover JCB vehicle bearing No.AP-04-BF-3004 in connection with Cr.No.148 of 2016 on the file of the Rajampet (U) Police Station, Rajampet, YSR District.

Learned Government Pleader, based on the written instructions, submits that on 13.9.2016, a complaint was received by the Rajampet police around 10.00 P.M stating that one Guduru Venkateswara Raju and others (A1 to A3) trespassed into the site of the complainant-Siddavatam Bharath, and demolished two rooms, which were constructed therein; pursuant to the same, a case in Cr.No.148 of 2016 was registered for the offences punishable under Sections 448, 427 & 506 read with 34 IPC; the complainant, his father and three independent eye-witnesses were examined as LWs.1 to 5 and their statements were recorded; during the course of investigation, it was established that the crime vehicle was used for demolition of rooms of the complainant; *prima facie* case was made out against A1 to A3; A2 & A3 were arrested and released on bail; A1 is absconding and the driver of the said JCB has to be examined. Since the crime vehicle, which was used for commission

of the offence is essential, the same has to be produced before the Court concerned as material witness.

In the circumstances, it is for the petitioner to approach the Court concerned for release of the vehicle by invoking the provisions of the Code of Criminal Procedure. This Court in exercise of its extraordinary jurisdiction cannot grant the relief as sought for by the petitioner in the present writ petition.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

2nd February, 2017
rkk

