

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.3598 OF 2017

ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C., challenging the order dated 18.4.2017 passed in CrI.M.P.No.785 of 2017 in Crime No.32 of 2017 on the file of the Court of the Judicial First Class Magistrate, Narsampet.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. A perusal of the record reveals that the petitioner is accused in Crime No.32 of 2017 on the file of the Station House Officer, Gudur Police Station, Mahabubabad District, registered for the offences under Section 379 IPC and Section 21(1) of Mines and Mineral Development and Regulation Act, 1957. The petitioner claims to be owner of Tractor and Trailer bearing Nos.TS 02 JTR 2154 and TS 03 MTR 7694. On 06.3.2017 at 21.00 hours, the concerned Police intercepted the Tractor and Trailer of the petitioner alleging that he was transporting sand illegally.

4. The petitioner filed CrI.M.P.No.785 of 2017 in Crime No.32 of 2017 under Section 457 of Cr.P.C., for interim custody of the vehicle and the trial Court dismissed the petition on the sole ground that it has no jurisdiction.

5. The learned counsel for the petitioner submitted that the Police seized the tractor and trailer and kept the same in the Police Station. As the vehicle is prone to sun and air, it may damage which eventually cause financial loss and hardship to the

petitioner. So also, if the vehicle is released unconditionally, it may not be possible for the concerned Station House Officer to take appropriate action against the petitioner in the event of the vehicle being liable for confiscation or fine.

6. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to set aside the order dated 18.4.2017 passed in CrI.M.P.No.785 of 2017 in Crime No.32 of 2017 on the file of the Court of the Judicial First Class Magistrate, Narsampet. Consequently, CrI.M.P.No.785 of 2017 is allowed.

7. Taking into consideration the facts and circumstances of the case, the learned Judicial Magistrate of First Class, Narsampet, is hereby directed to release the Tractor and Trailer bearing No.TS 02 JTR 2154 and TS 03 MTR 7694 to the petitioner, towards interim custody, on his furnishing a **personal** or third party security for an amount of Rs.3,00,000/- (**Rupees** three lakhs only) to the satisfaction of the Court. The petitioner is directed to file an undertaking before the trial court that he shall not alienate or alter the nature of the vehicle or create any third party interest over it pending disposal of the proceedings and he will produce the same as and when required before the competent authority.

8. With the above observation and direction, the criminal petition is allowed. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

T.SUNIL CHOWDARY, J

Date: 07.6.2017
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