

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE Nos.2650 & 2668 OF 2017

COMMON JUDGMENT:

Identical relief is sought in these two Criminal Revision Cases and, therefore, they are taken up for common disposal.

2. Learned Judicial Magistrate of First Class, Tadipatri in CrI.M.P. No.2190 of 2017 in CrIl.M.P. No.2045 of 2017, from which order, dated 08.09.2017, CrI.R.C. No.2650 of 2017 arises, and in CrI.M.P. No.2189 of 2017 in CrI.M.P. No.2044 of 2017, from which order, dated 08.09.2017, CrI.R.C. No.2668 of 2017 arises, while granting relief of releasing the vehicles (Lorries) bearing registration Nos.AP 16TY 9216 and AP 02TB 2345, respectively, towards interim custody, directed the petitioners to produce two sureties for a sum of Rs.5,00,000/- each by keeping a rider that the said order of release is subject to condition that if any executive order was already issued for the very same relief, to follow the executive order.

3. Substantially, the said direction of producing two sureties is questioned in these two Criminal Revision Cases.

4. Heard Sri G.V.R. Choudary, learned counsel for the Revision Petitioners, and the learned Assistant Public Prosecutor for the State of Andhra Pradesh.

5. The learned counsel for the revision petitioners would submit that the order, *ex facie*, is infirm for the reason that no crime was registered involving the aforesaid two vehicles and, therefore, the learned Magistrate ought not to have imposed such harsh condition and ought to have released the vehicles without imposing any condition at all. His further submission is, even the Revenue Authority has not complained of any violation and, therefore, no such order ought to have passed by the learned Magistrate. He would submit that, in fact, the Revenue Divisional Officer, Ananthapur, passed orders directing the release of the vehicles by issue of proceedings, dated 01.07.2017 and cancelled the order of release by imposing a fine of Rs.1,00,000/- each at the behest of those inimically disposed towards petitioners, and that cancellation order, dated 01.07.2017, is quite illegal and unjust. He would submit that the learned Magistrate ought to have directed the police to return the Lorries without imposing any terms and conditions.

6. The learned Assistant Public Prosecutor would strongly resist the requests by contending that a Crime was registered against the petitioners and, therefore, the submission now made by the learned counsel for the petitioners are without any merit. He has submitted the Case Diary file.

7. Perused the Case Diary File. The entire material in the Case Diary would clearly unravel that the Sub-Inspector of Police,

Tadipatri Rural Police Station, registered a Crime No.193 of 2017 for the offences punishable under Sections 420, 468 and 471 read with 34 IPC. It discloses that the petitioner, which is Ashramam, was getting the sand through the Lorries bearing registration Nos.AP 16TY 90216 and AP 02TB 2345 for construction purpose. The Sub-Inspector of Police, Peddapappur Police Station stopped both the vehicles, and when enquired about permission, they showed the permission letter bearing Rc.No.1296/2017/A, dated 20.06.2017 of Revenue Divisional Officer, Anantapur. When the Sub-Inspector of Police perused the permission letter, he found that the police authority and Tahsildars of Tadipatri, Singanamala, Peddapappur were to cooperate for transportation of sand only, but the permission did not contain the place of sand digging, loading, vehicle numbers and quantity of sand. Even the Sub-Inspector of Police noticed that on the reverse of the said permission letter, the vehicles list is mentioned, which does not contain the signature of the Issuing Authority. Therefore, the Sub-Inspector of Police seized the vehicles, and made a complaint with the Revenue Divisional Officer, Anantapur on 24.06.2017, which was received in the office of R.D.O. on 25.06.2017. Thereafter, on 26.06.2017 itself, the Deputy Tahsildar, Tadipatri gave complaint to the Circle Inspector of Police, Tadipatri, basing on which, Circle Inspector of Tadipatri, endorsed on the complaint and the Sub-Inspector of Police, Tadipatri Rural Police Station registered the aforesaid crime for the aforesaid offences.

8. It also divulges that when a News item was published in 'Andhra Jyothi' Daily Local News Paper, relating to the seizure of the lorries, the Deputy Tahsildar enquired into the matter and noticed that the authorities of 'Prabodananda Ashram' had printed vehicle numbers of their choice on the reverse of the permission letter of the R.D.O. without the notice of the R.D.O. The R.D.O. on 01.07.2017, ordered release of both the vehicles, and when it came to light that without the knowledge of registration of crime, the R.D.O. issued release orders of two lorries and when he learnt about registering of crime and issue of FIR, cancelled the order, by issue of orders, dated 03.07.2017, not to release the above two vehicles. Other facts are not relevant, at this stage, to project.

9. Thus, it is clear that what has been contended by the learned counsel for the petitioners is not correct. In fact, a crime was registered for the offences under IPC, referred to in the above. When viewed in that context, the direction given by the learned Magistrate for production of two sureties with Rs.5,00,000/- solvency cannot be interfered with, as neither it can be said as harsh, nor can it be considered as arbitrary. Therefore, the Criminal Revision Cases are devoid of merit.

10. Accordingly, the Criminal Revision Cases are dismissed.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the criminal revision cases, stand closed.

A. SHANKAR NARAYANA, J

November 09, 2017.
Mgr

