

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.2671 of 2017

JUDGMENT:

No representation for the revision petitioner, even right from 24.10.2017 and the revision petitioner has not chosen to advance arguments. It was listed initially on 24.10.2017, later adjourned to 31.10.2017, 7.11.2017, 14.11.2017, 28.11.2017, and to this date i.e., 29.11.2017 at the request of the learned counsel for the revision petitioner. But, today also, there is no representation for the petitioner.

2. The order questioned in the present Criminal Revision Case is the one passed in Criminal M.P. No.2016 of 2017 in Crime No.30 of 2017 of Gajulamandyam Police Station, under Section 451 of Criminal Procedure Code, 1973, by the V-Additional Judicial Magistrate of First Class, Tirupati, refusing to return the case property i.e., JCB bearing No.AP-03-AZ-4639 of I & T Case 770 SS BSIII 2012 Model, Eng. No.4H3203, Chassis No.t12d11585, having heard both sides observing that the offence is punishable under Section 379 of I.P.C. and Section 24 (4) of M.M.D.A.R. Act, 1957 and Rule 26 (1) of A.P. Water, Land and Trees Rules, 2004, and under Section 38 of Andhra Pradesh Water, Land and Trees Act, 2002, seizure of the property is liable for confiscation and once the property seized is in relation to the said offence the same has to be confiscated but no

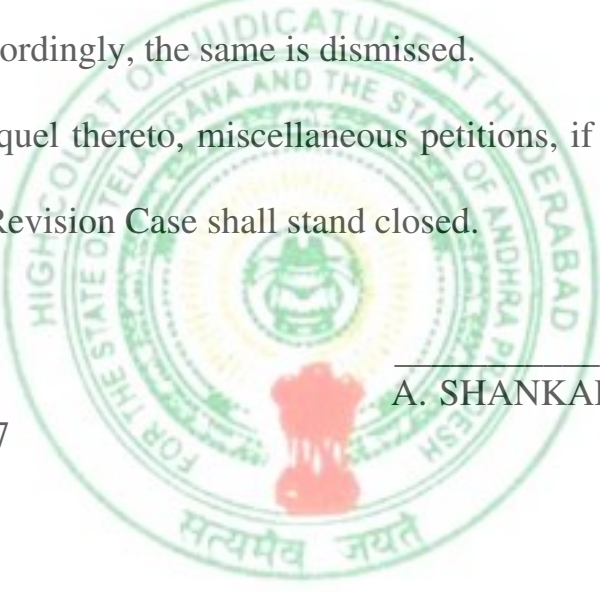
return can be ordered and thereby refusing to return the property dismissed the petition.

3. The revision petitioner has not chosen to raise any ground as to the observation of the Court below that the property is liable for confiscation under Section 38 of Andhra Pradesh Water, Land and Trees Act, 2002. Nothing is mentioned in the grounds, in what manner there has been an error in the order.

4. Therefore, there is no merit in the present Criminal Revision Case, and, accordingly, the same is dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending in the Criminal Revision Case shall stand closed.

Dt. 29.11.2017
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A. SHANKAR NARAYANA