

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44005 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not releasing the petitioner's CB Shine Motor Cycle bearing Reg.No. AP-36-A-4073 seized in Cr.No. 267/2017 inspite of the readiness of the petitioner to furnish the third party surety, as being illegal, and arbitrary, and consequently direct the respondent No.2 to release the vehicle, and to grant such other relief or reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *B.Yadaiah*, learned counsel appearing for the petitioner, learned Government Pleader for Prohibition and Excise appearing for the respondents 1 & 2, and of the learned Government Pleader for Home appearing for the 3rd respondent. I have perused the material record.

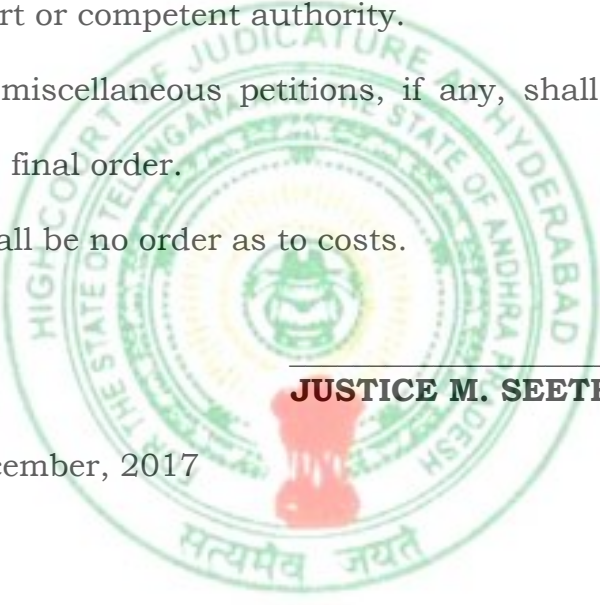
3. At the hearing, learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents 1 & 2 are in agreement that the issue involved in the present writ petition is squarely covered by the orders of this Court, dated 13.12.2017, in W.P.No.42308 of 2017. A copy of the said order in the above said writ petition is placed on record.

4. Following the afore-stated orders and for the reasons alike as were mentioned in the orders afore-stated passed in afore-stated writ petition, this Writ Petition is also disposed of directing respondent

No.2 to release the vehicle-CB Shine Motor Cycle bearing Reg.No.AP-36-A-4073 to the petitioner for interim custody, subject to the final orders to be passed in the criminal proceedings and on petitioner furnishing a Fixed Deposit Receipt for Rs.10,000/- (Rupees ten thousand only) from any nationalized bank in favour of respondent No.2 and also on production of original R.C. Book and on petitioner further giving an undertaking that he will not transfer or alienate the vehicle to third party in any manner and will maintain the vehicle in the same good roadworthy condition without changing its major parts and features and would produce the same as and when directed before any Court or competent authority.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

There shall be no order as to costs.



JUSTICE M. SEETHARAMA MURTI

Date: 22nd December, 2017

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