

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Criminal Revision Case No.3068 of 2017

JUDGMENT:

The petitioner, who was unsuccessful in Criminal M.P. No.591 of 2017 in Crime No.6 of 2017 of Nizamabad Town-VI Police Station, Nizamabad, in getting Maruti Swift Dezire car bearing Regn. No.AP-36-AR-1818 released by him, which was alleged to have been used for transporting Ganja from Nizamabad to Warangal, filed the present Criminal Revision Case under Sections 397 and 401 of Criminal Procedure Code, 1973 (for short, 'Cr.P.C.').

2. Heard Sri Venkat Rao Ravulapalli, learned counsel for the petitioner. He would submit that the petitioner herein is the owner of the vehicle and accused No.9 is the driver, who, without his knowledge used the vehicle for transportation of Ganja and he came to know the same later and collected excess amount of Rs.10,000/- from accused No.6 and he gave the rent of Rs.2,500/- to him., and therefore, requested for release of the vehicle on the ground that the learned Judge, somehow, overlooked the legal principles in releasing the vehicle.

3. The learned counsel also would submit that the said vehicle which was seized on 19.6.2017, was deposited before the Court on 22.8.2017 vide CPR No.44 of 2017.

4. Learned counsel for the petitioner placed reliance in **Madan Lal v. State NCT of Delhi**¹ and **Ganesh Chandra Nayak v. State of Orissa**² to support his submission.

5. Per contra, learned Additional Public Prosecutor for the State of Telangana would submit that, in fact, the knowledge on the part of the petitioner herein can only be looked into during trial. It is according to the learned Additional Public Prosecutor that, in fact, the original itself was not filed to show the ownership of the petitioner, and the learned Judge in categorical terms observed that the petitioner has not submitted any authentic documentary proof to establish his ownership with respect to the vehicle, and, therefore, resisted the request.

6. Learned counsel for the petitioner would submit that photostat copy of the Registration Certificate is filed and it would show that the petitioner is the genuine owner of the vehicle.

7. It is true in page No.17 of the material papers the name of the petitioner 'Burgula Venkatesh Srinivas' is occurring, which is only photostat copy of the Certificate of Registration, but the original of which is not produced. Therefore, it would be appropriate to dispose of the Criminal Revision Case directing the revision petitioner to make another application before the learned Judge by submitting the documentary proof on which the learned Judge would examine genuineness of the document i.e., the Original Registration Certificate

¹ 2002 CRI. L.J. 2605

² 2003 CRI. L.J. 3142

contents and to dispose of the same in accordance with law by considering the genuineness, referred to in the above.

8. Accordingly, the present Criminal Revision Case is disposed of giving liberty to the petitioner to move another application before the I-Additional learned Sessions Judge, Nizamabad, by submitting the original documentary proof, to enable the learned I-Additional Sessions Judge, Nizamabad, to ascertain the genuineness of the ownership of the vehicle and to pass appropriate orders in accordance with law as observed in the above.

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

A. SHANKAR NARAYANA, J

December 19, 2017.

Note:- CC by 20.12.2017.
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