

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.12221 of 2017

ORDER:

This petition is filed under Section 482 of Criminal Procedure Code to direct the respondent to release Mahendra Bolero Trolley bearing No. TS 26 T 0845, vide Engine No. TBH4B87142 allegedly involved in transportation of black jaggury and alum, which attracts offence punishable under Section 34E of the A.P. Excise Act.

The petitioner is claiming to be the owner of the vehicle and third party in Crime No.252 of 2017 of Dornakal Police Station.

The main contention of the petitioner is that if the vehicle remains at the station of the respondent, it would be exposed to heat and rain and in due course it will become derelict and useless. Therefore, requested this Court to order for release of the vehicle.

During hearing, learned counsel for the petitioner informed to this Court that a petition under Section 451 Cr.P.C filed before the Court below was returned with objection 'maintainability'.

But without representing the said petition, straightaway the petitioner approached this Court invoking inherent jurisdiction under Section 482 Cr.P.C and requested to release the vehicle.

As per the provisions of the A.P. Excise Act, the authority to release the vehicle is the Deputy Commissioner of Prohibition and Excise, but not the Court. In such a case, it is for the petitioner to make appropriate application before the Deputy Commissioner of Prohibition and Excise for release of the vehicle.

Accordingly, the criminal petition is dismissed giving liberty to the petitioner to make appropriate application before the Deputy Commissioner of Prohibition and Excise and on filing such application, the Deputy Commissioner of Prohibition and Excise is directed to dispose of the same within 15 days from the date of filing application.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.



JUSTICE M. SATYANARAYANA MURTHY

12.12.2017
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