

SMT JUSTICE T. RAJANI

CRIMINAL APPEAL No.166 of 2018

JUDGMENT:

This Criminal Appeal is filed, under Section 454 of the Code of Criminal Procedure, 1973, questioning the order, dated 15.11.2017, passed by the Special Judge to try offences under NDPS Act-cum-I Additional District & Sessions Judge – cum- Metropolitan Sessions Judge, Visakhapatnam, in N.S.C.No.67 of 2016, only to the extent of confiscation of the vehicle i.e., MO21-Lorry bearing No.AP11X 2374.

2. Heard the counsel for the appellant and the Public Prosecutor. This appeal is being disposed of at the stage of admission itself.

3. The counsel for the appellant submits that the trial court acquitted the accused but confiscated the vehicle i.e., MO21-Lorry bearing No.AP11X 2374 to the State.

4. Hence, in view of the above, the order of the trial court, to the extent of confiscation of the vehicle to the State, is not sustainable and the same is accordingly set aside.

5. The Criminal Appeal is, accordingly, allowed and the impounded order, to the extent of confiscation of the vehicle i.e., MO21-Lorry bearing No.AP11X 2374 to the State, is set aside. The vehicle i.e., MO21-Lorry bearing No.AP11X 2374 is directed to be returned to the appellant on production of relevant documents pertaining to the vehicle.

As a sequel, the miscellaneous applications, if any pending,
shall stand closed.

T. RAJANI, J

January 25, 2018
LMV

