

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO. 1388 OF 2018

ORDER:

This petition is filed by the petitioner Section 482 Cr.P.C. seeking to modify the order dated 13.09.2017 passed in Criminal Revision Petition No.44 of 2017 on the file of the Principal Sessions Judge, Srikakulam, wherein the learned Sessions Judge allowed the revision petition setting aside the order dated 21.07.2017 passed by the Judicial Magistrate of First Class, Srikakulam in CrI.M.P. No.547 of 2017 in Cr. No.111 of 2017 of Etcherla police station, and ordered for interim custody of the vehicle viz. Bolero pick up Van bearing No. OD 07M 3733, to the petitioner on conditions *inter alia* of furnishing a bond for a sum of Rs.5,00,000/- by way of FDR with two sureties each for a like sum. Aggrieved by the said condition, the present Criminal Petition came to be filed.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the subject vehicle is of 2016 model. It is further submitted that the same was seized in the present Crime on 07.06.2017 and that it was being used as a transport vehicle and due to seizure of the vehicle, the petitioner-owner is unable to make out his livelihood and that he is now in financial problems; that he has to pay loan instalments by which the vehicle was purchased. It is further submitted that in view of the circumstances submitted, the condition of furnishing Rs.5,00,000/- is onerous and hence, he prays to modify the impugned order.

4. In view of the facts and circumstances of the case, the condition of executing a bond for a sum of Rs.5,00,000/- by way of FDR with two sureties each for a like sum, imposed in the impugned order is modified and the petitioner-owner is directed

to furnish an FDR for a sum of Rs.2,00,000/- (Rupees two lakhs) with one third party surety of land/building for the like sum. The other conditions imposed in the impugned order remain unchanged.

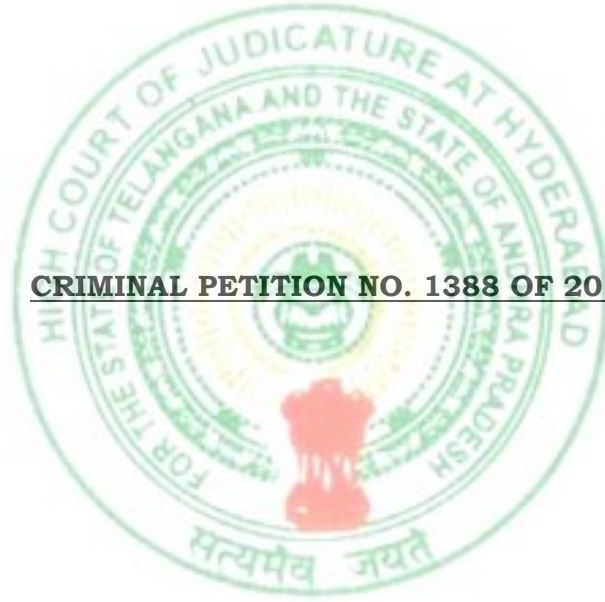
5. With the above modification, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending in this petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 15.02.2018
DRK



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