

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.563 OF 2018

ORDER:

This Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.35 of 2017 in Crime No.50 of 2017 dated 05.01.2018 on the file of Court of the Judicial Magistrate of First Class, Ichapuram, Srikakulam District dismissing the petition filed under Section 457 of Cr.P.C. to release the vehicle bearing registration No.MH 40N 3373 for interim custody.

Heard the learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent No.5-State.

The facts of the case are that the vehicle bearing registration No.MH 40N 3373 belonging to the petitioner herein has been used for commission of offence under the provisions of Section 11(1), 11(A) & 11(D) of Prevention of Cruelty to Animals Act, 1960 and the said vehicle was seized by the police since it was involved in transporting of animals. In those circumstances, a crime was registered vide F.I.R.No.50 of 2017 on the file of Kaviti Police Station. Subsequently, the petitioner herein filed CrI.M.P.No.35 of 2017 before the Court below under Section 457 of Cr.P.C. seeking release of the crime vehicle for interim custody. The said petition was dismissed by orders dated 05.01.2018. Aggrieved by the same, the present Criminal Revision Case is filed.

The learned counsel appearing for the petitioner would contend that the petitioner herein is having two vehicles bearing Nos.MH 40N 3173 and MH 40N 3373. During the course of filing of the petition before the trial Court, his trial Court counter-part

has submitted the insurance and registration certificates of both the vehicles to his counsel and due to oversight, the registration certificate and the insurance certificate pertaining to MH 40N 3173 was submitted in the Court. The said act of filing of the said document is not intentional. In fact, he also submitted that the petitioner is ready to produce both the vehicles and both the certificates before the Court below to demonstrate that there is no intentional mistake on his part in submitting the registration certificate of the vehicle bearing No.MH 40N 3173 when the vehicle bearing No.MH 40N 3373 was seized.

In these circumstances, this Court feels it appropriate to set aside the order passed in CrI.M.P.No.35 of 2017 in Crime No.50 of 2017, dated 05.01.2018 and direct the petitioner to submit the original registration certificate of vehicle bearing registration No.MH 40N 3373 before the Court below along with the insurance certificate. On filing such certificate, the Court below is directed to verify the genuineness of the same with regard to the seized vehicle and pass appropriate orders as per law.

With the above directions, the Criminal Revision Case is disposed of.

Pending miscellaneous petitions, if any, shall also stand closed.

P.KESHAHA RAO,J

12th JULY 2018.
Tsr