

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL REVISION CASE NO.651 OF 2018

ORDER:

This revision is filed by the petitioner-third party under Sections 397 and 401 Cr.P.C. challenging the order, dated 29.12.2017 in C.C.No.439 of 2009 on the file of the Addl. Judl. Magistrate of I Class, Peddapuram, wherein the petitioner was directed to produce the lorry bearing No.AEP 6045

2. Heard 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 order was passed after 9 years of entrustment of vehicle. No summons were served on the petitioner to produce the vehicle. The impugned order is contrary to law and facts and circumstances of the case and ultimately, prayed to set aside the impugned order.

4. The Court while dealing with the matter, recorded as follows:

“The 3rd party, Neelapu Rajyalakshmi (petitioner herein) who took the custody of the vehicle and B.Ratnam who stood as surety called absent and failed to produce the case property i.e., lorry bearing No. AEP 6045 despite effective opportunities given to them.”

As seen from the order passed by the Court below, there is no mention of non service of summons on the petitioner to produce the vehicle. It is the duty of the petitioner that when she was entrusted with the interim custody of the vehicle, she has to produce the same as and when called before the Court. There is error on the part of

the petitioner herself. The revision is devoid of merit and is liable to be dismissed.

5. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any pending in this Revision shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 04-04-2018.

Hsd

