THE HON'BLE Dr JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.927 of 2018

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner, to set aside the docket order, dated 16.03.2018, passed in Crl.M.P.(SR) No.445 of 2018 (arising out of Crime No.23 of 2018 of Julurpad Police Station, Kothagudem District) by the I Additional Judicial Magistrate of First Class, Kothagudem, whereby, the Court below returned the petition filed by the petitioner under Section 457 of Cr.P.C. seeking a direction to the Station House concerned to return/release the crime vehicle (Bajaj Auto bearing registration No.TS-28-T-0419) in his favour, by holding that it has no jurisdiction to deal with the property seized.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the 1st respondent and perused the record.

3. The subject vehicle was seized by the police under the provisions of the A.P.Excise Act, 1968, and the petitioner is being proceeded with for the offence under Section 34(A) of the said Act. The Court below, while returning the petition filed by the petitioner under Section 457 of Cr.P.C., held that it has no jurisdiction to deal with the property seized and passed the impugned docket order accordingly. In view of the impediment under the said Act to the Court below, the Court below rightly passed the impugned order. There is no infirmity in the impugned docket order. The Criminal Revision Case is devoid of merit and is liable to be dismissed. The

petitioner is entitled to work out the remedies available to him under law before the appropriate authorities.

4. With the above observation, this Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

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Dr. SHAMEEM AKTHER, J

04th April, 2018
Bvv