

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.15758 of 2018

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the grievance of the writ petitioner is in respect of the action of the 2nd respondent Police Officer in seizing the vehicle/lorry bearing Registration No.AP 09 TA 1239 and non-release of the said vehicle, which is illegally seized in case in Crime No.18 of 2018, registered by the Station House Officer, Kotepally Police Station, Kotepally Mandal, Vikarabad, Ranga Reddy District, though the said lorry was not concerned in the said crime.

2. I have heard the submissions of Sri *K.Amarnath Reddy*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (Telangana), appearing for the respondents 1 & 2. I have perused the material record.

3. Learned counsel for the petitioner submits that the driver of the petitioner, while proceeding on the lorry of the petitioner, stopped it on the way and that he was murdered allegedly while he was taking tea and that, therefore, with the alleged murder of the driver of the petitioner, the petitioner has nothing to do and, therefore, the lorry ought not to have been seized by the Police Officer. He would further submit that despite a request made by the petitioner, the vehicle is not being released. He would also submit that the seizure of the vehicle is not reported to the

Court of a learned Magistrate and the vehicle is in the possession of the Police.

4. Learned Government Pleader for Home submits that the petitioner may approach the Police Officer for release of the vehicle, in the event the seizure is not reported to the Court of the learned Magistrate or in the alternative, he may approach the learned Magistrate for release of the vehicle in the event the seizure of the vehicle is reported in the afore-stated crime to the Court of the learned Magistrate.

5. Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to approach either the Station House Officer, Kotepally Police Station, Vikarabad District, Ranga Reddy District/2nd respondent herein, or in the alternative, the learned Magistrate, for release of the vehicle, by following the procedure established by law. In any event, the request of the petitioner for release of the vehicle shall be disposed of by the competent authority or the learned Magistrate within a period of two (02) weeks from the date of the application of the petitioner. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 2nd May, 2018

Note: Issue C.C. by tomorrow.

(B/o.)
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