

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CRIMINAL PETITION No.5191 of 2018

ORDER:

This petition is filed under Section 482 Cr.P.C. challenging the orders dated 03.04.2018 in CrI.M.P.No.1062 of 2018 in C.C.No.84 of 2018 on the file of the III Additional Judicial Magistrate of First Class, Rajamahendravaram.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. The case of the prosecution is that on 30.11.2017 the husband of the petitioner and others used the Car bearing No.AP-05-BX-2112 to kidnap the *de facto* complainant in Crime No.478 of 2017 on the file of the Station House Officer, III Town L&O Police Station, Rajamahendravaram. The police seized the said car on 12.12.2017. The petitioner filed CrI.M.P.No.1062 of 2018, under Section 457 Cr.P.C., on the file of the III Additional Judicial Magistrate of First Class, Rajamahendravaram, and the same was dismissed on 03.04.2018.

4. A perusal of the record reveals that the Car bearing No.AP-05-BX-2112 was seized on 12.12.2017 and kept in police station. It is not in dispute that the petitioner is the owner of the car.

5. If the vehicle is kept in Police Station, the same may cause financial loss and hardship to the petitioner. So also, if the vehicle is released unconditionally, it may not be possible for the concerned Station House Officer to take appropriate action against the petitioner in the event of the vehicle being liable for confiscation.

6. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to release the vehicle.

7. Accordingly, the Criminal Petition is allowed directing the learned III Additional Judicial First Class Magistrate, Rajamahendravaram, to release the Car bearing No.AP-05-BX-2112 in favour of the petitioner on her furnishing a Solvency Certificate for an amount of Rs.2,00,000/- (Rupees two lakhs only). The petitioner is further directed to give an undertaking that she will not create any third party interest over the vehicle in question, she will not alter the nature of the vehicle and that she will produce the same as and when required before the trial Court.

May 17, 2018
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T.SUNIL CHOWDARY, J

