

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.6606 OF 2018

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to modify the order dated 20.11.2017 in CrI.R.P.No.59 of 2017 passed by the IV Additional District and Sessions Judge, Kurnool.

The case of the petitioner that he filed a petition in CrI.M.P.No.3237 of 2017 before the Judicial Magistrate of First Class, Dhone, under Section 457 of Cr.P.C. for release of the vehicle Toyota Fortuner car bearing registration No.TS 09 EP 2233, whereby the learned Magistrate dismissed the petition on the ground of non-receipt of FSL report amounts to non-completion of investigation. Aggrieved thereby, the petitioner filed a revision petition in CrI.R.P.No.59 of 2017 before the IV Additional Sessions Judge, Kurnool. Upon hearing argument of both the counsel, the learned Sessions Judge allowed the revision petition on certain conditions. One among those conditions is that the petitioner shall not change or alter the physical features of the vehicle. Challenging the said condition, the present criminal petition is filed on the ground that the vehicle was partly damaged and unless the vehicle is got repaired, it is not useful for day to day use and it will become derelict in future, therefore, requested this Court to relax the condition.

Sri Sudhakar Reddy, learned counsel for the petitioner reiterated the condition imposed by the learned Sessions Judge in CrI.R.P.No.59 of 2017 and placed reliance on the judgment of the

Apex Court in **General Insurance Council & ors. V. State of A.P.**

& Ors. (W.P.(C) No.14 of 2008) wherein it was held that,

“15. It is a matter of common knowledge that as and when vehicles are seized and kept in various police stations, not only they occupy substantial space of the police stations but upon being kept in open, are also prone to fast natural decay on account of weather conditions. Even a good maintained vehicle loses its road worthiness if it is kept stationary in the police station for more than fifteen days. Apart from the above, it is also a matter of common knowledge that several valuable and costly parts of the said vehicles are either stolen or are cannibalised so that the vehicles become unworthy of being driven on road. To avoid all this, apart from the aforesaid directions issued hereinabove, we direct that all the State Governments/ Union Territories/Director Generals of Police shall ensure macro implementation of the statutory provisions and further direct that the activities of each and every police stations, especially with regard to disposal of the seized vehicles be taken care of by the Inspector General of Police of the concerned Division/Commissioner of Police of the concerned cities/Superintendent of Police of the concerned district.”

In the above judgment, the Apex Court also issued certain directions that taking photographs while releasing the vehicles to the registered owner.

By applying the principle laid down in the above judgment, imposing condition to keep the vehicle in the same condition without changing physical features is a difficult task for the petitioner since it was partly damaged and as on today, it cannot be used in the same condition. The vehicle is not crime vehicle its production is only for limited purpose.

Therefore, the condition that the petitioner shall not change the physical features of the vehicle is modified while permitting the petitioner to get the vehicle repaired so as to make it roadworthy.

- 3 -

With the above modification, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date:27.06.2018
BV

