

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO.1541 OF 2018

ORDER:

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor for the 1st respondent State.

2. The present Criminal Revision Case is filed questioning the orders passed on 5.5.2018 in returning the petition filed Under Section 451 of Cr.P.C. for release of the vehicle i.e., Bajaj Auto bearing No.TS25 T 1300 in connection with Crime No.23 of 2018 on the file of the Court of Judicial Magistrate at Manthani.

3. The facts of the case are that the petitioner herein is the owner of the above said vehicle. The respondent State has falsely seized the vehicle in the above said crime.

4. It is stated in the said petition filed Under Section 451 of Cr.P.C. that the said vehicle was deposited before the Court below vide No.57 of 2018. In fact, the petitioner is in no way connected with the alleged crime and if the said vehicle is kept idle for long time, most of the parts will get rusted and the vehicle will be damaged beyond repair. In those circumstances, he filed the said petition.

5. However, the Court below returned the said petition with an objection that the said property is not deposited in the Court below.

6. Aggrieved by the same, the present Criminal Revision Case is filed.

7. During the course of hearing, learned Public Prosecutor appearing for the 1st respondent State submitted that the said vehicle has been deposited in the Court of Judicial Magistrate at Manthani.

8. In the light of the above said statement, no further cause would survive in the present Criminal Revision Case. The objection taken by the learned Judicial Magistrate at Manthani on 5.5.2018 in returning the petition filed Under section 451 of Cr.P.C. on the ground that the said property is not deposited, does not hold good and accordingly, the same is set aside and the learned Judicial Magistrate at Manthani is directed to consider the said petition and pass appropriate orders as per law within a period of one week from the date of receipt of a copy of this order.

9. With the above observations, Criminal Revision Case is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

P. KESHAHA RAO,J

Date: 29.6.2018

KPM