

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1796 of 2018

ORDER:

Heard the counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State.

The present revision case is filed questioning the order dated 29.03.2018 passed in CrI.M.P.No.629 of 2018 in Crime No.9 of 2018 on the file of the Court of the Judicial Magistrate of Second Class, Rampachodavaram, dismissing the petition filed seeking the interim custody of the case property i.e. Ashok Leyland Container bearing No. TS12 UB 6387.

The facts of the case are that the petitioner is the owner of the subject vehicle. The said vehicle was seized in connection with the Crime No.9 of 2018 of Chinturu Police Station for carrying 15 oxes. Pursuant to the same, F.I.R.No. 9 of 2018 was registered for the offence under Section 11 (1)(d)(e) of Prevention of Cruelty to Animals Act, 1960 and Section 47(b) of Transportation of Animals Rules 1974. During the pendency of the investigation, the petitioner filed CrI.M.P.No.629 of 2018 on the file of the learned Judicial Magistrate of Second Class, Rampachodavaram under Section 457 Cr.P.C. seeking the interim custody of the subject vehicle. The said petition has been dismissed by the learned magistrate on 29.03.2018. Aggrieved by the same, the present criminal revision case is filed.

Learned counsel appearing for the petitioner would contend that the petitioner is the owner of the case property and he is having all the valid documents for holding the said vehicle.

However, since the said vehicle was carrying 15 oxes instead of 10, it was seized. The learned counsel also submitted that if the vehicle is unused for a long period, and if it is exposed to the vagaries of the nature, there is every probability of the vehicle being damaged. He further submitted that if the case property is given to the petitioner, towards interim custody till the proceedings are concluded, the said vehicle will not be alienated and the nature of the vehicle will not be changed.

Learned Public Prosecutor appearing for the first respondent-State, fairly conceded that investigation is completed, however, conditions may be imposed while releasing the said vehicle.

Taking the said submissions into consideration, this Court deems it appropriate to release the case property i.e. Ashok Leyland Container bearing No. TS 12 UB 6387 to the petitioner on condition of the petitioner furnishing a third party security for a sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the satisfaction of the Judicial Magistrate of Second Class, Rampachodavaram. Further, the petitioner is directed not to alienate or change the nature of the vehicle till the criminal proceedings are concluded and he is further directed to deposit the original R.C. book before the learned Magistrate.

With the above said observations, the criminal revision case is disposed of.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHA VA RAO, J

Date: 25.07.2018.
CCM

HONOURABLE SRI JUSTICE P. KESHA VA RAO



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Date:25.07.2018

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