

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1825 of 2018

ORDER:

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

The present revision case is filed questioning the orders passed in CrI.M.P.No.10 of 2018 in Crime No.46 of 2017 dated 13.03.2018 on the file of the Judicial Magistrate of First Class, Addateegala, dismissing the petition filed under Section 457 Cr.P.C., seeking release of Mahindra Bolero goods van bearing No. TS 11 UB 5088.

The facts in brief are that the petitioner is the owner of the above said van. The said vehicle was seized in connection with Crime No.46 of 2017 for the offence under Section 10 of the A.P. Prevention of Cow and Animal Slaughter Act, 1977 and Section 47 (b), 50 of Animal Transportation Rules, 1978 on 03.12.2017. The petitioner filed CrI.M.P.No.10 of 2018 under Section 457 Cr.P.C., for release of the said van on the file of the Judicial Magistrate of First Class, Addateegala. The said petition was dismissed by orders dated 13.03.2018. Aggrieved by the said orders, the present revision case is filed.

Learned counsel appearing for the petitioner submitted that the petitioner is the owner of the subject van. He is not aware of the alleged transportation of cows for slaughtering. The petitioner is eking out his livelihood on the earnings of the said vehicle. If the vehicle is exposed to the vagaries of nature, there is every probability of it getting damaged. Therefore, he seeks release of the said vehicle.

Learned Public Prosecutor appearing for the respondent State would contend that the proceedings initiated under the provisions of Section 10 of the A.P. Prevention of Cow and Animal Slaughter Act, 1977 and Section 47 (b), 50 of Animal Transportation Rules, 1978 are not concluded. Therefore, the interest of the prosecution may be protected by imposing conditions when the vehicle is being released.

Having heard both the counsel and a perusal of the material on record, this Court deems it appropriate to allow the revision case.

Accordingly, the criminal revision case is allowed setting aside the orders passed in CrI.M.P.No.10 of 2018 in Crime No.46 of 2017 dated 13.03.2018 on the file of the Judicial Magistrate of First Class, Addateegala, directing to release the Mahindra Bolero white colour goods van bearing registration No.TS 11 UB 5088 to the petitioner subject to his furnishing third party security for a sum of Rs.3,00,000/- (Rupees Three lakhs only) to the satisfaction of the Judicial Magistrate of First Class, Addateegala. The petitioner shall also give an undertaking in the form of an affidavit before the Court below to the effect that he will not alter the nature of the vehicle, alienate or transfer the subject vehicle in favour of a third party pending disposal of the proceedings. The petitioner is also directed to deposit the original registration certificate in the Court below and is permitted to obtain a certified copy of the same.

Miscellaneous petitions, if any, shall stand closed.

P. KESHA RAO, J

Date: 26.07.2018.
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