

HON'BLE SRI JUSTICE P. KESHAVA RAO

CRIMINAL REVISION CASE No.1942 of 2018

ORDER:

Heard the learned counsel for the parties.

The present revision case is filed questioning the orders passed in Crl.M.P.No.406 of 2017 in Crime No.108 of 2017 dated 18.01.2018 on the file of the Judicial Magistrate of First Class, Markapur, dismissing the petition filed under Section 457(1) Cr.P.C., to return the Tractor bearing No. AP 27 TX 9924 and Trailer bearing No. AP 27 TX 9925 in favour of the petitioner.

The facts in brief are that the above said vehicles were seized in connection with Crime No.108 of 2017 for the offence under Section 304-II IPC and Section 134 (a) and (b) read with Section 187 of the Motor Vehicles Act. During the pendency of the above said crime, the petitioner filed Crl.M.P.No.406 of 2017 to release the said vehicle pending the proceedings on the file of the Court of Judicial Magistrate of First Class, Markapur. The learned Magistrate, after hearing, was pleased to dismiss the petition by orders dated 18.01.2018. Aggrieved by the same, the present revision case is filed.

Learned counsel appearing for the petitioner would contend that the order passed by the Court below is contrary to law and probabilities of the case. The subject vehicle is the only source of livelihood for the entire family of the petitioner and the petitioner being the driver-cum-owner of the said vehicle, purchased the same by availing loan from ICICI Bank, M.G. Road, Vijayawada, agreeing to pay monthly installments. If the said vehicle is in the custody of the police, there is every possibility of the vehicle being

damaged since it is exposed to the vagaries of nature. Learned counsel also submitted that conditions may be imposed in the event of the vehicle being released.

Per contra, learned Public Prosecutor appearing for the respondent State has not opposed the relief sought in the revision case, but requested the Court to safeguard the interest of the prosecution.

Having heard both the counsel and having regard to the facts of the case, this Court deems it appropriate to allow the revision case by giving interim custody of the subject vehicle to the petitioner subject to certain terms.

Accordingly, the criminal revision case is allowed setting aside the order passed in CrI.M.P.No.406 of 2017 in Crime No.108 of 2017 dated 18.01.2018 by giving interim custody of the vehicle i.e., Tractor bearing No.AP 27 TX 9924 and Trailer bearing No.AP 27 TX 9925 to the petitioner subject to his furnishing a third party security to the extent of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the learned Judicial Magistrate of First Class, Markapur, apart from giving 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. KESHAVA RAO, J

Date: 30.07.2018.
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