

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.1924 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent State.

The present revision case is filed questioning the orders passed by the Judicial First Class Magistrate, Mulugu in CrI.M.P.No.263 of 2018 in Crime No.57 of 2018 dated 02.07.2018, dismissing the petition filed under Section 457 Cr.P.C., seeking release of Auto Rickshaw bearing No.TS 03 UA 3125.

The facts in brief are that the petitioner is the owner of the above said auto rickshaw. The said vehicle was seized in connection with Crime No.57 of 2018 for the offence under Section 34 (E) of the A.P. Excise Act on 30.04.2018. The petitioner filed CrI.M.P.No.263 of 2018 under Section 457 Cr.P.C., for release of the said auto rickshaw on the file of the Judicial First Class Magistrate, Mulugu. The said petition was dismissed by orders dated 02.07.2018. 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 auto rickshaw. He is not aware of the alleged transportation of jaggary and patika. He has no knowledge about the driver using 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 1st respondent State would contend that the proceedings initiated under the provisions of Section 34 (E) of the A.P. Excise Act 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.263 of 2018 in Crime No.57 of 2018 dated 02.07.2018 on the file of the Judicial First Class Magistrate, Mulugu. The Station House Officer, Thadvai, is directed to release the auto rickshaw bearing registration No.TS 03 UA 3125 to the petitioner subject to his furnishing a third party security to the extent of Rs.75,000/- (Rupees Seventy Five thousands only) to the satisfaction of the Judicial First Class Magistrate, Mulugu. 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. KESHAVA RAO, J

Date: 26.07.2018.
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