

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.7658 OF 2018

ORDER:

This criminal petition is filed seeking to quash the order dated 11.07.2018 passed in CrI.M.P.No.203 of 2018 in Cr.No.168 of 2018 on the file of P.S., Sathupalli, by the Spl. Sessions Judge for Trial of Cases under SCs/STs (POA) Act-cum-VI Addl. Sessions Judge at Khammam, whereby the petition under Section 457 Cr.P.C., has been dismissed negating the return of Maruthi car bearing Regn. No.TS 04 EL 8504.

2. The petitioner filed the aforesaid petition for return of the above vehicle during the process of investigation. The case registered against the petitioner and others is punishable under Sections 376(1), 417, 506 r/w. 114 IPC and Section 3 (2) (V), 3 (2) (Va) of Scs/STs (POA) Act and Police seized the said car under cover of Panchanama as the accused were travelling in the said car at the time of arrest.

3. It is specifically contended by learned counsel for the petitioner that the vehicle is kept idle at the Police Station and exposed to sun, thereby causing damage and if the same is not used, it will become useless; therefore a request is made to release the said vehicle subject to the undertaking that the petitioner will not change the physical features, make any alteration and that he will not alienate the same during pendency of the case.

4. Therefore, to avoid damage to the car, there shall be a direction that the Maruthi car bearing Regn. No.TS 04 EL 8504 shall be returned to the petitioner herein subject to the production of registration certificate (C Book) and on his executing a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) and, further, on giving an undertaking that he will not change the physical features, make any alteration and that he will not alienate the same during pendency of the case and produce the same as and when directed by the trial Court.

5. With the above observations, the criminal petition is disposed of.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.



M.SATYANARAYANA MURTHY, J

July 24, 2018
MRR