

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.8051 OF 2018

ORDER:

This criminal petition is filed under Section 482 read with 451 and 457 of Criminal Procedure Code (for short "Cr.P.C.") to grant interim custody of the vehicle Hero Honda Deluxe Motor Cycle bearing registration No.AP 27 BJ 2660 to the petitioner, which was seized in Crime No.25 of 2018 of Chirala I Town Police Station, Prakasam District.

Petitioner filed CrI.M.P.No.707 of 2018 before the Court of I Additional District and Sessions Judge, Ongole for interim custody of the vehicle Hero Honda Deluxe Motor Cycle bearing registration No.AP 27 BJ 2660. But the Court below dismissed the same on the ground that non-production of vehicle before the Court at the relevant time may cause undue delay in disposal of the case.

The main contention of the petitioner is that if the vehicle is left with the police during pendency of the enquiry, the same becomes useless due to exposure to rain and sun and the petitioner is ready to furnish undertaking to produce the vehicle in the same condition as and when ordered by the Court.

During hearing, learned counsel for the petitioner reiterated the same grounds as urged in the petition.

Learned Public Prosecutor opposed the petition and prayed to dismiss the petition.

It is the case of the prosecution that the petitioner allegedly kidnapped the girl by using the vehicle Hero Honda Deluxe Motor Cycle bearing registration No.AP 27 BJ 2660. Thus, the production of vehicle before the trial Court is necessary to decide the complicity of the accused. Though, it is a crime vehicle, the Apex Court in

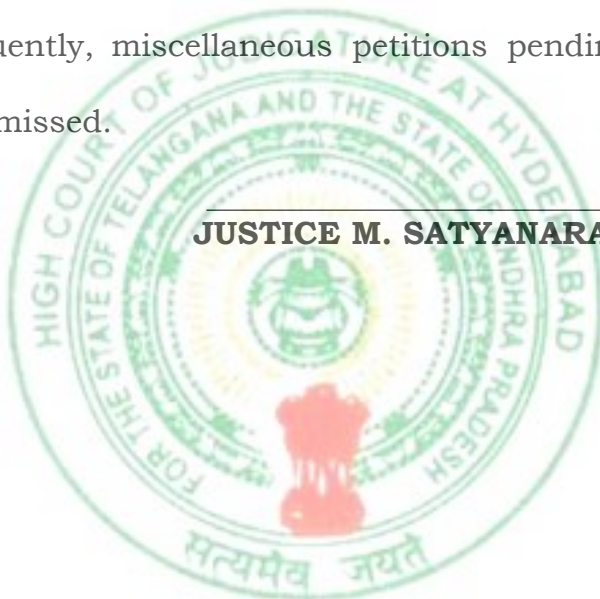
“Sunderbhai Ambalal Desai v. State of Gujarat¹” issued certain directions to the Court for grant of interim custody of vehicle/property. Therefore, the petitioner is permitted to file application for grant of interim custody of the vehicle before the concerned Court, on filing the same, the Court concerned is directed to dispose of the same within a period of two (2) weeks from the date of receipt of a copy of this order, in strict adherence to the guidelines issued by the Apex Court in **“Sunderbhai Ambalal Desai v. State of Gujarat”** (referred supra).

With the above direction, the petition is disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand dismissed.

31.07.2018
Ksp

JUSTICE M. SATYANARAYANA MURTHY



¹ (2002) 10 SCC 283