

THE HON'BLE SRI JUSTICE P.KESHA RAO

CRIMINAL REVISION CASE No.2171 OF 2018

ORDER:

This Criminal Revision Case is filed questioning the orders passed in CrI.M.P.No.678 of 2018 in Crime No.48 of 2018, dated 07.06.2018 on the file of the Court of II Additional Judicial First Class Magistrate, Machilipatnam, Krishna District, in imposing a condition of directing the petitioner to execute a personal bond for Rs.12.00 lakhs along with bank guarantee of Rs.12.00 lakhs while allowing the said petition.

Heard the learned counsel for the petitioner as well as the Public Prosecutor appearing for the first respondent-State.

The facts, in brief, are that the petitioner is the owner of Ashok Leyland heavy goods vehicle bearing No.TN 57AW 6163. The said vehicle has been seized in connection with Crime No.48 of 2018 on the file of Robertson Police Station, Machilipatnam for the offences under Section 58 of Motor Vehicles Act, Sections 11(1), 11(A), 11(D) of Prevention of Cruelty to Animals Act, 1960 and Sections 5,6,8 r/w Section 10 of A.P. Prohibition of Cow Slaughter and Animal Preservation Act, 1977. During the pendency of the crime, the petitioner filed a petition vide CrI.M.P.No.678 of 2018 before the II Additional Judicial First Class Magistrate, Machilipatnam seeking interim custody of the said vehicle. The learned Magistrate, after hearing, was pleased to allow the petition by orders dated 07.06.2018 granting interim custody of the vehicle however, subject to the petitioner executing a personal bond for Rs.12.00 lakhs along with bank guarantee of Rs.12.00 lakhs apart

from other conditions. The present Criminal Revision Case is filed to the extent of directing the petitioner to execute a personal bond for Rs.12.00 lakhs along with bank guarantee of Rs.12.00 lakhs.

The learned counsel appearing for the petitioner would contend that the petitioner is the owner of the subject-vehicle and he has no knowledge about the commission of the offence and as such he cannot be directed to execute a personal bond for Rs.12.00 lakhs along with bank guarantee for the same amount. The said condition is onerous and the petitioner is not in a position to comply with the same. The learned counsel also brought to the notice of this Court that the vehicle is of 2004 model and its value will not exceed more than Rs.3.00 lakhs.

Per contra, the learned Public Prosecutor appearing for the first respondent-State fairly conceded that the vehicle may be released in favour of the petitioner but subject to a reasonable condition so as to protect the interests of the prosecution.

Having heard the learned counsel for the petitioner and from the perusal of the material on record, it is revealed that when the value of the vehicle itself does not exceed Rs.3.00 lakhs, the imposition of condition of directing the petitioner to execute a personal bond for Rs.12.00 lakhs along with bank guarantee of Rs.12.00 lakhs is onerous in nature. Therefore, this Court is inclined to modify the impugned order passed by the Court below.

Accordingly, the Criminal Revision Case is disposed of directing the petitioner to execute a third party security for the value of Rs.3.00 lakhs for the release of the vehicle bearing No.TN

57AW 6163. As far as the other conditions imposed by the learned Magistrate are concerned, they are not disturbed.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAHA RAO,J

10th AUGUST 2018.

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