

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.9116 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., assailing Crl.M.P.(SR) o.10236 of 2018 on the file of II Additional Judicial Magistrate of First Class, Madanapalle for release of Eicher lorry bearing No.AP 04 TT 6668, which involved in Crime No.55 of 2018 of Mudivedu Police Station, registered for the offences punishable under Section 304 Part II IPC.

The petitioner claiming that he is the owner of the said lorry and sought for interim custody to avoid damage to the lorry, if it is kept under the sun and rain and unused, it will diminish in few days and requested the Court to release the vehicle producing a photo state copy of registration certificate to establish that he is owner of the vehicle.

But the Court below returned the petition on the ground that the petitioner did not produce the original registration certificate of the vehicle to grant interim custody. Even now, before this Court, the petitioner is unable to produce the original registration certificate of the Eicher lorry bearing No.AP04 TT 6668. Learned counsel for the petitioner also expressed his inability to produce the duplicate registration certificate to prove his ownership.

In view of the submission made by learned counsel for the petitioner, II Additional Judicial Magistrate of First Class, Madanapally is directed to release the Eicher lorry bearing No. AP 04 TT 6668 as interim custody to the petitioner pending disposal of the case subject to production of original or duplicate certificate of registration obtained from

the competent authority and subject to the conditions laid down by the Apex Court in **Sunderbhai Ambalal Desai v. State of Gujarat**¹

With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this petition shall stand dismissed.

M. SATYANARAYANA MURTHY, J

28.08.2018
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¹ 2002 Law Suit (SC) 1346