

HONOURABLE SRI JUSTICE N. BALAYOGI

CRIMINAL REVISION CASE No.2351 of 2018

ORDER:

Heard learned Counsel for petitioner and learned Public Prosecutor for Andhra Pradesh and perused the material placed on record.

2. The petitioner filed an application under section 457 Cr.P.C., for release of tractor bearing No.A.P.26.AA.2787 and trailer bearing No.AP.26.BA.7514 for his interim custody. The said application was returned as per endorsement dated:24.8.2018 with an objection, "How a memo filed by police to alter/amend seizure Mahazarnama is valid and sustainable. How this Court can return the vehicle which is not seized as per seizure Mahazarnama". The record clearly shows that the investigation was completed and charge sheet was filed. In the charge sheet, the statement of Inspector of Police clearly mentioned that the police arrested accused at 16.15 hours, seized the sand loaded tractors bearing Nos.AP.26.TA.1705 and 1706 and AP.26.AA.2788 and AP.26.BA.7514 respectively at 16.30 hours in the presence of LWs1 and 2 under a cover of mahazarnama. Subsequently, the police filed a Memo before the Court to correct the tractor number from AP.26.AA.2788 to AP.26.AA.2787, admitting their mistake with regard to registration number of the tractor. But the Court below returned the petition on the ground that filing of Memo is not valid and sustainable.

3. The learned Counsel for the petitioner submits that tractor and trailer of petitioner are lying in the premises of Kovur police station since

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7.5.2018 and same are kept idle and exposed to natural calamities and if the said vehicles are not released, there is every chance that vehicles would be damaged, as a result of which petitioner will suffer and loss. The learned Counsel for the petitioner also submits that petitioner undertakes to produce tractor and trailer as and when ordered to do so by the Honourable Court. Petitioner also filed a Memo/application to return the tractor and trailer and undertakes to produce the same as and when required by the Court below.

4. In view of the allegations in the charge sheet that police arrested the accused and seized tractor and trailer which the petitioner now sought to return, I feel it necessary to dispose of the very Criminal Revision Case itself. Accordingly, the Trial Court is directed to receive the application of the petitioner for return of tractor and trailer, consider and dispose of the same expeditiously.

5. The Criminal Revision Case is disposed of with the above observation.

Pending Miscellaneous Petition/s, if any, shall stand closed.

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JUSTICE N. BALAYOGI

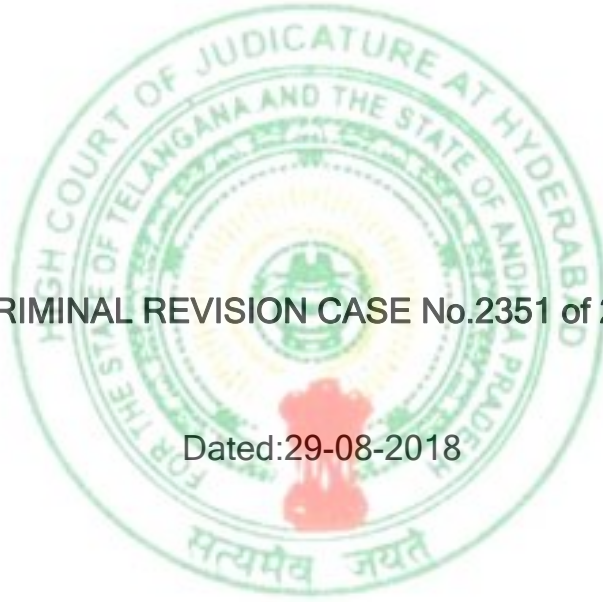
Dated:29-08-2018

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