

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.9700 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C. questioning the inaction of the Chief Metropolitan Magistrate, Visakhapatnam in disposal of Crl.M.P.No.2470 of 2018 in Crime No. 26 of 2018 of Harbour Law and Order Police Station, Visakhapatnam District.

The petitioner filed petition under Section 457 Cr.P.C. on 01.08.2018 for grant of interim custody of the coal of 50,000 MT claiming that the petitioner/*de facto* complainant is the owner of the property, but the same is pending for adjudication.

As per the judgment of the Apex Court in **Sunderbhai Ambalal Desai v State of Gujarat¹**, the Court has to dispose of the property within one month from the date of seizure in a petition filed under Sections 451 and 457 Cr.P.C.

Therefore, the criminal petition is disposed of in view of the principles laid down in the judgment of the Apex Court in **Sunderbhai Ambalal Desai's** case referred supra, the Chief Metropolitan Magistrate, Visakhapatnam is directed to dispose of the property on the same condition and obtain undertaking as contemplated in the above judgment of the Apex Court within two weeks from the date of receipt of a copy of the order, during pendency of the case.

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

M. SATYANARAYANA MURTHY, J

11th September, 2018
kvrm

¹ 2002 Law Suit (SC) 1346