

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No. 34032 of 2018

ORDER:-

When the matter is taken up, the written instructions furnished by the Sub-Inspector of Police, Puttur PS, Chittoor District, dated 30.10.2018, are placed on record by the learned Government Pleader. The said instructions read as under:-

“It is submitted that with regard to the seizure of JCB, basing on the written report submitted by one Suryadevara Latha, the 5th respondent herein registered a case in Cr.No119/2018 on the file of the Putturu Police Station, against three persons, for the offences under Sections 447, 427, 39, 341 and 506 r/w 34 I.P.C. In this complaint, the *de-facto* complainant disclosed that the accused persons damaged the entrance gate of her mango grove by using JCB and also stole iron gate. During the course of investigation of the said crime, on 02.09.2018, the 5th respondent herein examined the 1st petitioner herein as LW7 in this crime, as he is the owner of the JCB, which was used in commission of the said crime.

The 1st petitioner herein in his statement disclosed that he hired his JCB, basing on the statements of accused 1 and 2 in the crime, for rent of Rs.2,000/-. Apart from that, he has no knowledge about the disputes between the accused and the *de-facto* complainant in the said crime. Later, on 28.09.2018, the 5th respondent herein seized the said JCB under cover of Police proceedings. Thereafter, on the same day i.e., on 28.09.2018 he produced the said seized JCB before the Court concerned through Form-60. After considering the same, the learned Magistrate handed over the same

to the 5th respondent for its safe custody. Basing on the same, the 5th respondent herein handed over the same to the Manager, APSRTC, Puttur Depot, for its safe custody. While so, on 19.10.2018, the 5th respondent herein received orders from the JFCM, Puttur, vide official memo, dated 22.10.2018, basing on the petition filed by the 1st petitioner herein for release of the seized JCB. Basing on the said orders, on 23.10.2018, the 5th respondent herein handed over the seized JCB to the 1st petitioner herein from the possession of the Manager, APSRTC, Puttur Depot, and obtained proper acknowledged Receipt from the 1st respondent herein.

It is respectfully submitted that the said crime was charged and presently the case is pending adjudication vide C.C.No.408 of 2018 before the Court of the JFCM, Puttur. It is pertinent to mention here that either the 4th respondent or 5th respondent never called the 1st petitioner except on the date of recording his statement as LW 7 in Cr.No.11/2018. Hence, the allegations leveled by him against the respondents 4 and 5 are denied.

With regard to the petitioners 2 and 3, the respondents 4 and 5 have no knowledge about them and they never called them in connection with any cases. These petitioners filed the present Writ Petition along with the 1st petitioner for the reasons best known to them only. Hence, the allegations leveled by them against the respondent police are denied. I have great respect on the Courts and its orders. I will obey the orders if any passed by this Hon'ble Court in connection with the present Writ Petition."

Having regard to the explanation offered in the above said instructions, this Court deems it appropriate to dispose of the

Writ Petition, by placing on record the above mentioned instructions furnished by the Sub-Inspector of Police, Puttur PS, Chittoor District, dated 30.10.2018. It is also made clear that the petitioners are at liberty to file an appropriate application before the learned Magistrate for redressal of their grievance.

With the above observations, the Writ Petition is dismissed. Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

Date: 06.11.2018
smr

A.V.Sesha Sai, J

