

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 34098 OF 2018

ORDER :

This writ petition is filed invoking the inherent jurisdiction of this Court under Article 226 of the Constitution of India seeking to issue a writ of mandamus to declare the action of the second respondent in seizing the petitioner's vehicle, i.e., Tipper Lorry bearing No. AP-16-G-4647, which is kept in custody by duly registering Crime No.170 of 2018 of Avanigadda Police Station, Krishna district, for the offences punishable under section 379 IPC and Section 27 of Walta Act, 2002, as illegal, arbitrary, violative of Article 14 and 19 [1] [g] of Constitution of India and consequently to direct the respondents 2 and 3 to release the vehicle of the petitioner and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard Sri Mantha Rajendra, learned counsel for the petitioner and the learned Government Pleader for Mines and Geology and perused the record.

3. When the matter is taken up, learned Government Pleader has submitted that the Station House Officer, Avanigadda Police Station, registered Crime No. 170 of 2018 for the offences punishable under section 379 of I.P.C. and section 27 of Walta

Act, 2002 and the aforesaid vehicle has been produced before the Additional Judicial Magistrate of First Class, Avanigadda, vide Form No.60.

4. Having heard the same, leaving it open for the petitioner herein to move an appropriate application before the learned Additional Judicial Magistrate of First Class, Avanigadda, Krishna district, for consideration of the same recorded supra.

5. With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs.

4. As a sequel, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE A. V. SETHA SAI

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Circulation No.
Date: 01-10-2018
Court Master : I s L