

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.13260 OF 2018

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner seeking to quash the order, dated 03.08.2018, passed in CrI.R.P. No.27 of 2018, by the learned III Additional District and Sessions Judge at Gadwal (for short, 'the appellate Court'); by virtue of which the appellate Court dismissed the Petition, filed under Section 397 of Cr.P.C., confirming the order, dated 02.06.2018, passed in CrI.M.P. No.118 of 2018 in Crime No.67 of 2018 by the learned Judicial First Class Magistrate at Alampur (for short, 'the trial Court'); by virtue of which, the trial Court dismissed the Petition, filed under Section 451 of Cr.P.C., seeking *interim* custody of the DCM Vehicle bearing No.AP-02-TB-3224, pending disposal of the case.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, appearing for the respondent - State.

3. A perusal of the impugned order shows that considering that the vehicle has been involved in a similar offence earlier, the appellate Court declined to release the vehicle. But, the said ground does not seem to be reasonable as the Court did not find that the earlier crime, in which the vehicle was involved, ended in conviction. Hence, unless it is proved that the vehicle was really involved in the crime by way of trial, detaining the vehicle simply on the basis of the fact that it was involved in another crime is not appropriate. Moreover, the vehicle would be rendered useless if it is kept in the custody of the Court.

4. Hence, considering the above, *interim* custody of the aforesaid vehicle bearing No.AP-02-TB-3224 can be given to the petitioner by imposing certain conditions.

5. Accordingly, the order, dated 03.08.2018, in CrI.R.P. No.27 of 2018, is set-aside, and the aforesaid vehicle bearing No.AP-02-TB-3224 is ordered to be

released to the petitioner on her furnishing a security of personal bond for a sum of Rs.2,00,000/- and also two sureties for the like sum each.

6. Accordingly, with the above observation, the Criminal Petition is allowed.

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

T. RAJANI, J

Date: 12.12.2018.
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