

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.13488 OF 2018

ORDER:

This petition is filed, by the petitioner, seeking to set aside the order, dated 15.11.2018, passed in CrI.R.P.No.25 of 2018 by the court of Principal Sessions Judge, Adilabad, by virtue of which the court below while dismissing the petition confirmed the order, dated 08.08.2018, passed by the court of Judicial Magistrate of First Class, Adilabad, in CrI.M.P.No.336 of 2018, which was filed seeking for return of the vehicle i.e., Maruti Suzuki Swift VDI BS IV Car bearing No.MH 40 KR 0812.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the respondent.

3. By the impugned order, the trial court, by considering that the investigation is not yet completed, dismissed the petition. But in the considered opinion of this court, when the investigation has nothing to do with the vehicle, it is not advisable to keep the vehicle idle as in all probability it would be damaged and would be rendered useless.

4. Hence, considering the above, this court opines that ends of justice would be met by returning the vehicle to the petitioner for interim custody, on some terms, as the non-usage of the vehicle is likely to spoil the vehicle.

5. Accordingly, the Criminal Petition is allowed and the trial court is directed to release the vehicle i.e., Maruti Suzuki Swift

VDI BS IV Car bearing No.MH 40 KR 0812, to the petitioner,
subject to the following conditions:

1. Petitioner shall furnish security for a sum of Rs.2,00,000/- with two sureties for a like sum each to the satisfaction of the concerned trial court.
2. Petitioner shall furnish an undertaking that he will neither alienate nor transfer the vehicle, in question, in any manner and will maintain the vehicle in tact and in the same good and under working condition without changing any of its features and major parts.
3. Petitioner shall furnish an undertaking that he would produce the vehicle as and when directed to be produced by the trial court along with all relevant documents.

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

December 17, 2018

Note:-

Furnish copy by two days.

{ B/o }
LMV

T.RAJANI, J