

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.12445 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) to quash the proceedings in FIR No.106 of 2017 on the file of the Ananthagiri Police Station, Suryapet District, registered for the offences punishable under Section 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act ("the Act" for brevity) basing on the occurrence report i.e. seizure panchanama dated 27.09.2017.

The main contention before this Court is that the vehicle of the petitioner i.e. motor car bearing No.AP-27-AN-3727 was seized as per the seizure panchanama dated 27.09.2017 and he is the registered owner and sought for return of the said vehicle during the pendency of the proceedings under Section 6 of the Act before the Joint Collector.

During hearing, counsel for the petitioner contended that the vehicle was not produced before the Joint Collector to claim return of the vehicle and that apart, if the vehicle is allowed to expose to sun and rain, due to which its value would diminish within no time. Therefore, he requested to direct the Joint Collector or the police concerned to return the vehicle to the petitioner.

Learned Public Prosecutor for the State of Telangana contended that the remedy available to the petitioner is under the provisions of the Act and the petitioner is entitled to file such petition for return of the vehicle. Without approaching the trial Court, the petitioner cannot approach this Court for return of the vehicle and prayed for dismissal of the petition.

As seen from the occurrence report i.e. seizure panchanama, the vehicle bearing No.AP-27-AN-3727 was found transporting 20 bags of PDS rice and the same was seized along with the bags of PDS rice therein in the presence of mediators. The vehicle was allegedly produced before the Joint Collector to claim interim custody under the provisions of the Act. No doubt, unless the vehicle is produced before the Joint Collector, the petitioner is not entitled to file application for interim custody of the vehicle and possibility of damage being caused to the vehicle if it is exposed to sun and rain cannot be ruled out.

Therefore, taking into consideration the facts and circumstances of the case, the Station House Officer, Ananthagiri Police Station, Suryapet District, is directed to produce the vehicle before the Joint Collector, Suryapet and if any application is filed claiming interim custody of the vehicle, the Joint Collector is also directed to dispose of the said application within fifteen (15) days from the date of filing such application in accordance with law without touching the other merits of the case. In view of the request made by the counsel for the petitioner, leaving it open to the petitioner to raise his defences before the Joint Collector in the proceedings of Section 6 of the Act, the Criminal Petition is disposed of. Miscellaneous petitions, if any, pending shall stand closed.

(M.SATYANARAYANA MURTHY, J)

2nd January 2018
RRB