

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.110 OF 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioner seeking to release MMV Eicher vehicle bearing No.TS-12-UC-1384 in his favour, by setting aside the order, dated 27.12.2018, passed in CrI.M.P.No.1422 of 2018 in Crime No.146 of 2018 of P.S. Marriguda, on the file of Additional Judicial Magistrate of First Class, Devarakonda.

2. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. As per the prosecution case, on 03.12.2018, the subject vehicle was seized, while subsidy sheep were being transported in it. As per the material placed on record i.e., copy of the R.C. book, petitioner is the owner of the subject vehicle. It is submitted that the petitioner is arrayed as an accused in the subject criminal case and is eking out his livelihood by running the subject vehicle on hire.

4. Under these circumstances and as there is every likelihood of the subject vehicle getting damaged, if it is exposed to sun and rain, interim custody of the subject vehicle can be given to the petitioner subject to the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.3,00,000/- (Rupees three lakhs only) with two sureties in a like sum each to the satisfaction of the Additional Judicial Magistrate of First Class, Devarakonda.

(ii) The sureties shall possess immovable property and shall produce a certificate issued by the competent authority to that effect.

(iii) The petitioner shall produce the original Registration Certificate of the subject vehicle before the Court.

(iv) The petitioner shall give an undertaking to the effect that he will produce the subject vehicle as and when required and will not alienate, encumber or alter the physical features of the subject vehicle.

5. Accordingly, the Criminal Petition is ordered.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

Dr. SHAMEEM AKTHER, J

March 15, 2019.
MD