

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.1185 OF 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to call for the records relating to Cr.M.P.No.472 of 2018 in Crime No.230 of 2018 on the file of II Additional Judicial Magistrate of First Class, Mancherial, and quash the same holding that the condition imposed by the Court below in releasing the subject property, as arbitrary and illegal.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Home, appearing for the respondents. Perused the record.

3. The condition imposed by the Court below in the impugned order reads as follows:

“In view of the interim orders of Hon'ble High Court, the seized property can be returned to the petitioner with a direction that the petitioner shall execute a bond of Rs.7,30,000/- with one surety and also file indemnity bond to said amount”.

4. It is not in dispute that against the impugned order, the petitioner has an efficacious alternative remedy under the Code of Criminal Procedure and the petitioner without resorting to the same, filed the present writ petition.

5. Granting liberty to the petitioner to avail the alternative remedy, the Writ Petition is dismissed. Registry is directed to

return the certified copy of the order, if any, filed by the petitioner along with the Writ Petition.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

MARCH 05, 2019
YVL



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Date:05.03.2019

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