

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.118 of 2019

ORDER :

Heard learned counsel for the petitioner/accused in Crime No.253 of 2018 of the Station House Officer, Dornakal Police Station, Mahabubabad District, registered for the offence punishable under Section 34(A) of the A.P. Excise Act (for short, 'the Act') and also the learned Public Prosecutor, representing the respondents, and perused the impugned order in CrI.M.P.No.1628 of 2018 passed by the learned Additional Judicial First Class Magistrate, Mahabubabad, dismissing the application for interim custody of the auto bearing No.TS 04 UB 2930 on 09.11.2018 and the grounds of revision and other material on record.

2. The observation of the learned Magistrate is that as per Section 46 (B) of the Act, the Court is not having jurisdiction to dispose of the interim custody of the vehicle, but for to approach the officials under the Act. There is nothing to interfere with the order because it is the Deputy Commissioner of Excise concerned, have jurisdiction, for the petitioner to approach as per expression of Apex Court in **State (Gnct of Delhi) v. Narender¹**.

3. Accordingly, the criminal revision case is dismissed.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

14th February 2019
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¹ 2014 (1) ALT (CrI.) 518