

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE Nos.309 of 2019 & 316 of 2019

COMMON ORDER :

Heard before admission and before notice to the 2nd respondent respectively in both the revisions CrI.R.C.Nos.309 of 2019 & 316 of 2019 impugning the orders of the learned Special Sessions Judge for Trial of cases under S.C/S.T (POA) Act-cum-VII Additional Sessions Judge, Warangal, in CrI.M.P.No.7 of 2019 and CrI.M.P.No.13 of 2019 in Crime No.315 of 2018 of Mulugu Police Station, Warangal District, which are the applications in claiming as owner in one case and as *de facto* complainant in other case, sought for custody of the vehicle in question i.e., JCB 205 with chassis No.2237590 and Engine No.8422 3079. Also heard the learned Public Prosecutor representing the 1st respondent State.

2. In fact, even to impugn the order of the lower Court before this Court, the material is insufficient to arrive at a conclusion the original allotment under S.C./S.T. quota or by the S.C./S.T. Welfare Measure whether with any condition of alienability and its effect on the entering of the agreement to liquidate the loan and to retain ownership for transfer of ownership therefrom stated to have been entered is therefrom to be decided.

3. Having regard to the above and because the earlier dismissal of the interim custody applications, which are the subject matter of the two revisions in impugment no way bar for filing of fresh petition for interim custody, more particularly from the guidelines of the Apex Court in **Sunderbhai Ambalal Desai v. State of**

Gujarat¹, both the revisions are disposed of giving liberty to file fresh interim custody applications with supporting material to decide by the learned Judge, uninfluenced by the earlier order, but for on own merits.

Miscellaneous petitions pending, if any, shall stand closed.

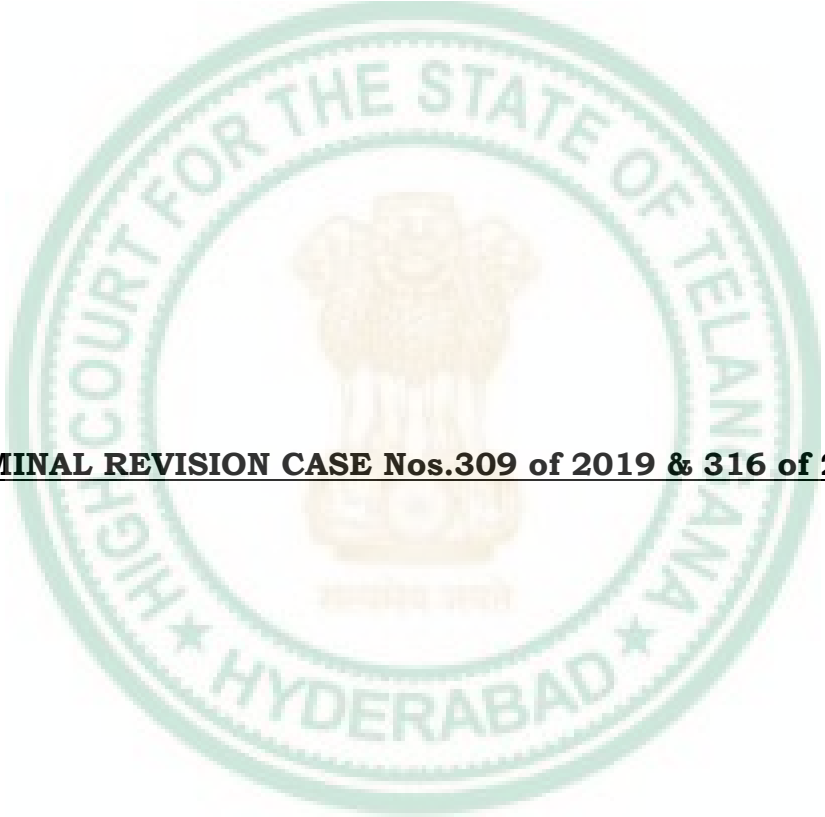
Dr. B. SIVA SANKARA RAO, J

Date: 2nd April, 2019

KL



¹ AIR 2003 SUPREME COURT 638

102**HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO****CRIMINAL REVISION CASE Nos.309 of 2019 & 316 of 2019**Date: 2nd April, 2019

KL