

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Crl.R.C.No.391 of 2019

ORDER:

This Criminal Revision Case is filed challenging the order passed by the XXV Additional Metropolitan Magistrate, Cyberabad, Ibrahimpatnam, Ranga Reddy District, in Crl.M.P.No.164 of 2019 in Cr.No.10 of 2019 dated 23.03.2019.

Learned counsel for the petitioner has contended that the learned Magistrate has exceeded his jurisdiction in imposing the condition of furnishing of one surety of Rs.16,00,000/- and also the condition of not to change the colour, body etc., of the vehicle till disposal of the case. As the petitioner's vehicle was involved in a fatal accident, the same was seized. Thereafter, the petitioner filed Crl.M.P.No.56 of 2019 before the XXV Additional Metropolitan Magistrate, Cyberabad, Ibrahimpatnam, Ranga Reddy District, seeking release of the vehicle and the same was dismissed vide order dated 15.02.2019. Aggrieved thereby, the petitioner has preferred Criminal Revision Petition No.37 of 2019 before the V Additional Metropolitan Sessions Judge, Ranga Reddy District and the Sessions Judge allowed the said Criminal Revision Petition vide order dated 11.03.2019 directing the petitioner herein to produce original RC before the lower Court and the learned Magistrate was directed to examine the same and pass appropriate orders. Pursuant to the said order, the petitioner has filed Crl.M.P.No.164 of 2019 before the XXV Additional Metropolitan Magistrate, Cyberabad, Ibrahimpatnam, Ranga Reddy District. The learned

Magistrate instead of accepting the deposit of original R.C. and releasing the vehicle, had imposed other conditions, which are not forming part of the orders passed by the learned Sessions Judge in Criminal Revision Petition No.37 of 2019, dated 11.03.2019.

Learned Public Prosecutor has contended that the XXV Additional Metropolitan Magistrate, Cyberabad, Ibrahimpatnam, Ranga Reddy District, has rightly passed the order in CrI.M.P.No.164 of 2019 in Cr.No.10 of 2019 on 23.03.2019 and there is no need to interfere with the order passed by the learned Magistrate.

This Court, having considered the rival submissions, is of the considered view that the learned Magistrate had imposed certain conditions, which are not stipulated in the order passed by the learned Sessions Judge in Criminal Revision Petition No.37 of 2019, dated 11.03.2019. Therefore, the conditions i.e., furnishing of one surety of Rs.16,00,000/- and not to change the colour, body etc., of the vehicle till disposal of the case, are liable to be set aside and are accordingly set aside. However, the other conditions imposed by the learned Magistrate to the effect that the petitioner shall not sell, mortgage or alienate the vehicle to a third party hold good.

Accordingly, the Criminal Revision Case is allowed. However, it is made clear that the petitioner shall produce the vehicle as and when required by the Investigating Agency and also by the trial Court.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date : 12-04-2019
Prv