

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2799 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C'), is filed by the petitioner/A.2 seeking interim custody of L & T John Deere Green Tractor bearing registration No.AP-22-F-9942 in favour of the petitioner, which is in the custody of Forest Station Officer, Konaraopet, Rajanna Sircilla District (old Karimnagar District) in P.O.R No.44/85, pending disposal of the petition.

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

3. Learned counsel for the petitioner/A.2 would submit that the petitioner is owner of the subject vehicle and the same was seized by the Forest Section Officer, Konaraopet in P.O.RNo.44/85, dated 08.04.2019; that the petitioner is getting income through the subject vehicle and entire family is depending on the income of the petitioner; that if the subject vehicle is kept in open place, the same gets damage and hence, he prays to release the subject vehicle.

4. Admittedly, the present complaint was not referred to the learned Magistrate concerned under Section 44 (4) of the A.P. Forest Act. The subject vehicle was seized by the Forest officials and it is in the custody of Forest Section Officer, Konaraopet. Therefore, this Court finds that there is no illegality or impropriety in the order passed by the lower Court.

5. At this stage, learned counsel for the petitioner would submit that liberty may be given to the petitioner to file an application before the District Forest Officer, Konaraopet, Rajanna Sircilla District, for release of the subject vehicle.

6. Having regard to the same and considering the facts and circumstances of the case, the Criminal Petition is disposed of with a direction that if the petitioner/A.2 files an application, within a period of fifteen days from the date of receipt of a copy of this order, before the District Forest Officer/appropriate authority seeking release of the subject vehicle, the same shall be considered and disposed of by the District Forest Officer/appropriate authority concerned at the earliest, in any event not later than two weeks from the date of filing of such application, in accordance with law and after affording an opportunity of hearing to the petitioner/A.2 to putforth his case.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE G SRI DEVI

JUNE 19, 2019

Note:

Issue C.C.in three (3) days.

(B/o)

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Date:19.06.2019

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