

THE HON' BLE JUSTICE G. SRI DEVI
CRIMINAL REVISION CASE No.592 OF 2019

ORDER:-

1. The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. questioning the order, dated 06.05.2019 passed in CrI.M.P.No.710 of 2019 in Crime No.805 of 2018 on the file of the XXIV Additional Metropolitan Magistrate, Cyberabad at Hayathnagar.

2. The facts in issue are that the petitioner is the owner of the DCM Vehicles bearing Nos.AP 21 TB 4399, AP 21 TZ 9799, AP 21 TE 1699 and AP 21 TB 4939 and on 03.10.2018 the said vehicles were seized from the possession of accused No.10 in Crime No.805 of 2018 of Vanasthalipuram Police Station, which was registered for the offences punishable under Sections 436, 406, 420, 506, 457, 380, 210 and 120-B read with 34 IPC and the said vehicles were produced before the XXIV Additional Metropolitan Magistrate at Hayathnagar vide C.P.R.No.211 of 2018. During the pendency of investigation, the petitioner claiming to be the owner of the said vehicles filed CrI.M.P.No.710 of 2019 before the XXIV Additional Metropolitan Magistrate, Cyberabad at Hayathnagar seeking interim custody of the vehicles. By an order, dated 06.05.2015, the learned Magistrate rejected the application. Challenging the same the present revision is filed.

3. Learned counsel for the petitioner submits that there is every possibility of the vehicles getting damaged, if they are kept exposed to air, sun and rain at the Court premises and hence seeks interim custody of the vehicles. Learned Additional Public Prosecutor though opposed the revision, but did not dispute the ownership of the vehicles.

4. In *Surenderbhai Ambalal Desai v. State of Gujarat*¹, the Apex Court has laid down that in case of vehicles seized during investigation,

¹ (2002) 10 SCC 283

they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicles have to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

5. Since there is no dispute with regard to the ownership of the vehicles and having regard to the principles of law laid down by the Apex Court in the decision stated supra, I am inclined to grant interim custody of DCM Vehicles bearing Nos. AP 21 TB 4399, AP 21 TZ 9799, AP 21 TE 1699 and AP 21 TB 4939 seized in Crime No.805 of 2018 of Vanasthalipuram Police Station, in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for Rs.5,00,000/- (Rupees four lakhs only) with one surety for a like sum to the satisfaction of the XXIV Additional Metropolitan Magistrate, Cyberabad at Hayathnagar.
- ii) The petitioner shall deposit the original Registration Certificates of the vehicles in the Court. However, the trial Court shall issue a certified copy of the registration certificates to the petitioner so that no inconvenience is caused to him while using the vehicles.
- iii) The petitioner shall give an undertaking to produce the vehicles as and when required either by the Investigating Agency or the Court and also give an undertaking that he will not alienate, encumber or alter the physical features of the vehicles.

Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

18.06.2019
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