

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.3189 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed aggrieved by the order, dated 07.05.2019, passed in CrI.M.P.No.247 of 2019 in Crime No.283 of 2018 by the Judicial Magistrate of First Class, Sircilla.

2. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is owner of Hyundai Xcent CRDI BSIV Car bearing registration No.TS-10-UB-1731; that the respondent-police have seized the said vehicle alleging that the same is being used in the commission of offence in the subject crime; that the petitioner filed an application before the Court below for interim custody of the said vehicle, but the same was dismissed without considering the contentions raised by the petitioner; that from the date of seizure, the vehicle is kept idle and open to sky and if the same is to be continued, the vehicle would be damaged and hence, he prays to grant interim custody of the vehicle in favour of the petitioner.

4. Learned Additional Public Prosecutor, representing the respondent-State conceded to the request of the petitioner and submitted that interim custody of the subject vehicle may be granted to the petitioner by imposing conditions.

5. Having regard to the submissions of both sides, and without expressing any opinion on the merits of the case, at this stage, this

Court is satisfied that the interim custody of the subject vehicle can be given to the petitioner on imposing necessary conditions:

6. Accordingly, the Criminal Petition is allowed setting aside the order, dated 07.05.2019, passed in CrI.M.P.No.247 of 2019 in Crime No.283 of 2018 by the Judicial Magistrate of First Class, Sircilla, and the learned Magistrate is directed to grant interim custody of Hyundai Xcent CRDI BSIV Car bearing registration No.TS-10-UB-1731 to the petitioner on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the Court below. Further, the petitioner shall undertake that he will not alienate or transfer the subject vehicle in any manner and he will maintain the vehicle in good condition and produced before the Court below as and when required.

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

JUNE 24, 2019
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Date:24.06.2019

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