

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.840 of 2018

ORDER:

This Criminal Revision Case is filed under Sections 397 & 401 Cr.P.C., seeking direction to the respondent – State, representing the Station House Officer, Bheemaram Police Station, Adilabad District, to release the vehicle i.e., Glamour Motorcycle bearing No.TS-01-EH-8061 from their custody in favour of the petitioner.

The facts of the case are that the petitioner is the owner of the vehicle i.e., Glamour Motorcycle bearing No.TS-01-EH-8061 and the said vehicle was seized from the possession of petitioner/accused in Crime No.9 of 2016 of Bheemaram Police Station, registered for the offences punishable under Sections 341, 354-A IPC and Sections 8 & 12 of POCSO Act, that the petitioner has used the said vehicle for committing the offence, that the petitioner claiming to be the owner of the said vehicle filed CrI.M.P.No.1083 of 2017 in Spl.S.C.No.16 of 2017 on the file of the learned Special Judge for Protection of Children from Sexual Offences-cum-I Additional Sessions Judge, Adilabad, seeking interim custody of the said vehicle, however, the learned Judge, by order dated 06.11.2017 dismissed the said application. Hence, the present revision.

Learned counsel for the petitioner submits that there is every possibility of the vehicle being getting damaged, if it is

kept idle exposed to air, sun and rain at the Court premises and hence seeks interim custody of the said vehicle.

The learned Additional Public Prosecutor, though opposed the relief sought in the petition, did not dispute the ownership of the crime vehicle.

In **Surenderbhai Ambalal Desai V. State of Gujarat**¹, the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

Since there is no dispute with regard to the ownership of the subject vehicle and having regard to the principles of law laid down by the Apex Court in **Surenderbhai Ambalal Desai's case** (supra), I am inclined to grant interim custody of the vehicle i.e., Glamour Motorcycle bearing No.TS-01-EH-8061 seized in Crime No.9 of 2016 by Bheemaram Police Station, Adilabad District, in favour of the petitioner on the following terms:

- i) The petitioner shall execute a personal bond for Rs.70,000/- (Rupees seventy thousand only) with one surety for a like sum to the satisfaction of the I Additional Sessions Judge, Adilabad;

¹ (2002) 10 SCC 283

- ii) The petitioner shall deposit the original Registration Certificate of the said vehicle in the trial Court. However, the trial Court shall issue a certified copy of the registration certificate to the petitioner so that no inconvenience is caused to him while using the vehicle.
- iii) The petitioner shall give an undertaking to produce the said vehicle 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 physical features of the said vehicle.

Accordingly, this Criminal Revision Case is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

13.11.2019.
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