

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.3556 of 2019

ORDER:-

The present Criminal Petition is filed under Section 482 Cr.P.C. questioning the order, dated 10.06.2019, passed in CrI.M.P.No.70 of 2019 in C.C.No.504 of 2018 on the file of the Judicial Magistrate of First Class, Vikarabad, Ranga Reddy District.

The facts in issue are as under:

On credible information about illegal transportation of sand from Gattepally Vagu to Kondapur Village, the Sub-Inspector of Police, Dharur Police Station, along with his staff visited the suspected place and conducting vehicle checking, at 6.55 hours the accused proceeding towards Kondapur kalan from Gattepally Vagu with sand load and on noticing the police the accused escaped from the spot by leaving the tractor and trailer. The police seized the tractor & trailer and registered a case in Crime No.105 of 2018 for the offences punishable under Section 379 IPC and Section 3 of the Prevention of Damage to the Public Property Act. The petitioner claiming himself to be the owner of Trailer bearing No. AP 28 AW 6242, filed CrI.M.P.No.70 of 2019 before the Judicial Magistrate of First Class, Vikarabad, seeking interim custody of the said Trailer. By an order, dated 10.06.2019, the learned Magistrate rejected the application. Challenging the same the present revision is filed.

Learned counsel for the petitioner submits that there is every possibility of the vehicle getting damaged, if the same is kept exposed to air, sun and rain at the Court premises and hence seeks interim custody of the vehicle. Learned Additional Public Prosecutor though opposed the application, but did not dispute the ownership of the 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 vehicle 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 Trailer bearing No. AP 28 AW 6242 which was seized in Crime No.105 of 2018 of Dharur Police Station in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for Rs.4,00,000/- (Rupees four lakhs only) with one surety for a like sum to the satisfaction of the Judicial Magistrate of First Class, Vikarabad, Ranga Reddy District.
- ii) The petitioner shall deposit the original Registration Certificate of the vehicle in the Court. However, the trial Court shall issue a certified copy of the

¹ (2002) 10 SCC 283

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 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 the physical features of the vehicle.

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

07.08.2019
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JUSTICE G. SRI DEVI



