

THE HON' BLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.3784 OF 2019

ORDER:-

1. The present Criminal Petition is filed under Section 482 read with Section 457 Cr.P.C. seeking to direct the Judicial First Class Magistrate, Ramannapet, to order release of the tractor bearing No.AP 24F 1128, which was seized in relation to Crime No.34 of 2019 on the file of Mothkur Police Station, Yadadri Bhuvanagiri District.
2. The brief facts of the case are that the petitioner is the owner of the aforesaid vehicle which was seized in relation to Crime No.34 of 2019 and the said vehicle was produced before the Judicial Magistrate of First Class, Ramannapet. During the pendency of the investigation, the petitioner claiming to be the owner of the said tractor filed CrI.M.P.No.12 of 2019 before the Judicial Magistrate of First Class, Ramannapet, seeking interim custody of the said tractor. By an order, dated 13.6.2019, the learned Magistrate rejected the application. Hence, the present Criminal Petition.
3. Learned counsel for the petitioner submits that there is every possibility of the vehicle getting damaged, if it is kept exposed to air, sun and rain at the Court premises and hence seeks interim custody of the said tractor.
4. Learned Additional Public Prosecutor though opposed the Criminal Petition, did not dispute the ownership of the petitioner in respect of the subject tractor.
5. In *Surenderbhai Ambalal Desai v. State of Gujarat*¹, the Apex Court has laid down that the vehicles seized during the investigation should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations and the same have to

¹ (2002) 10 SCC 283

be entrusted to the interim custody of their owners subject to appropriate conditions.

6. Since there is no dispute with regard to the ownership of the said tractor 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 the tractor bearing No.AP 24F 1128 seized in Crime No.34 of 2019 on the file of Mothkur Police Station, Yadadri Bhuvanagiri District, in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for Rs.3,00,000/- (Rupees Three lakhs only) with one surety for a like sum to the satisfaction of the Judicial Magistrate of First Class, Ramannapet.
- ii) The petitioner shall deposit the original Registration Certificate of the said vehicle in the 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 said vehicle.
- iii) The petitioner shall give an undertaking to produce the said tractor 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 said tractor.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

27th September, 2019
dr

JUSTICE G. SRI DEVI