

THE HON' BLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.756 of 2019

ORDER:

This Criminal Revision Case is filed aggrieved by the order, dated 03.05.2019, passed in CrI.M.P.No.2715 of 2019 in Crime No.75 of 2019 by the Special Judicial Magistrate of First Class, Prohibition and Excise Court, Khammam.

2. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the 1st respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is the owner of Motorcycle Hero Glamour bearing No.TS04 EF 8628; that the respondent-police seized the said vehicle alleging that the same is being used in the commission of aforesaid offence; that though the petitioner filed an application for interim custody of the said vehicle, the Court below dismissed the same without considering the contentions raised by the petitioner; that if the vehicle is exposed to sunlight, it would get damaged and hence, he prays to grant interim custody of the vehicle in favour of the petitioner.

4. Learned Additional Public Prosecutor, representing the 1st respondent-State though opposed the revision, but did not dispute the ownership of the vehicle.

5. 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.

¹ (2002) 10 SCC 283

Therefore, the vehicles have to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

6. 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, this Court is inclined to grant interim custody of Motorcycle Hero Glamour bearing No.TS04 EF 8628 seized in Crime No.75 of 2019 of Raghunathapalem Police Station, in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Court below concerned.
- ii) The petitioner shall deposit the original Registration Certificate of the vehicle in the Court. However, the Court below 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 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 Revision Case is disposed of. Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G.SRI DEVI

Date: 16.07.2019
ssp