

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16316 of 2019

ORDER:

This writ petition is filed seeking direction to respondents to release the DCM Van bearing No.KA33-A-8758 together with 138 milk powder bags each 25 kgs, 20 bags of Busa seized in Crime No.525 of 2019 on 28-07-2019.

Learned Assistant Government Pleader for Home submits that already case in Cr.No.525 of 2019 was registered under Section 420 IPC on 28-07-2019 in pursuance to the seizure. He also says that the petitioner has alternative remedy of approaching the concerned Court under Section 457 Cr.P.C.

Learned counsel for the petitioner says that the seizure is without any authority of law and the respondent-police have no jurisdiction to seize the subject property.

In this case, since the petitioner has not challenged the registration of crime basing on the seizure report, it is open for the petitioner to approach the concerned Court under Section 457 Cr.P.C. Learned counsel for the petitioner says that the seized goods are perishable in nature and there is every possibility of getting spoiled, the concerned Court is directed to consider the application of the petitioner as expeditiously as possible.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

05-08-2019

Note:

Issue CC today.

B/o.

Nvl



