

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16369 of 2019

ORDER:

This writ petition is filed seeking direction to respondents to release Mahindra & Mahindra Tractor bearing No.AP 22 AB 4961 and Trailer bearing No.AP 22 U 5656 seized in Crime No.97 of 2019 on 07-07-2019.

Learned Assistant Government Pleader for Home submits that already case in Cr.No.97 of 2019 was registered under Section 379 IPC on 07-07-2019 in pursuance to the seizure. He also says that the petitioners have alternative remedy of approaching the concerned Court under Section 457 Cr.P.C.

Learned counsel for the petitioners says that the subject vehicle was seized on the allegation of theft of sand and said vehicle involved in any illegal transportation and the same was seized without following due process of law. He also submits that if the subject vehicle is kept in the custody of respondent, the vehicle would get damage.

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. and on such application, the concerned Court is directed to consider the application of the petitioner in accordance with law.

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
Nvl



