

THE HON' BLE JUSTICE G. SRI DEVI
CRIMINAL REVISION CASE No.893 OF 2019

ORDER:-

1. The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order, dated 24.07.2019 passed in CrI.M.P.No.908 of 2019 in Crime No.79 of 2019 on the file of the Judicial Magistrate of First Class, Zaheerabad.

2. The facts in issue are that the petitioner is the owner of lorry bearing No.TS 15 UC 5624 and the said vehicle was seized in Crime No.79 of 2019 of Jharasangam Police Station, Sangareddy District, which was registered for the offences punishable under Sections 302, 201 and 120B read with 34 of IPC. During the pendency of investigation, the petitioner claiming to be the owner of the said vehicle filed CrI.M.P.No.908 of 2019 before the Judicial Magistrate of First Class, Zaheerabad, seeking interim custody of the vehicle. By an order, dated 24.07.2019, the learned Magistrate dismissed the application. Challenging the same the present revision is filed.

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 vehicle. Learned Additional Public Prosecutor though opposed the revision, but did not dispute the ownership of the vehicle.

4. 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.

¹ (2002) 10 SCC 283

5. 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 lorry bearing No.TS 15 UC 5624 seized in Crime No.79 of 2019 of Jharasangam Police Station, Sangareddy District, in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for Rs.20,00,000/- (Rupees twenty lakhs only) with one surety for a like sum to the satisfaction of the Judicial Magistrate of First Class, Zaheerabad.
- 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 registration certificate to the petitioner so that no inconvenience is caused to her 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 she 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

13.08.2019
ssp