

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.947 of 2019

ORDER :

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 16.07.2019 in CrI.M.P.No.520 of 2019 in Cr.No.98 of 2019 on the file of the Junior Civil Judge-cum-Judl. Magistrate of I Class at Chevella, R.R. District.

2. Brief facts of the case are that basing on the complaint lodged by the de facto complainant namely, Smt.Neelima Koneru, police registered a case in Cr.No.98 of 2019 against A1 to A11 for the offences punishable under Sections 148, 447, 427, 307, 506 r/w 149 IC, 120-B IPC and 25 (1-B) of Arms Act. During the course of investigation, police seized the vehicle bearing No. TS 09 EC 9090 Audi Car on 28.04.2019 from the possession of A1 at his residence at MLA colony, Banjara Hills, Hyderabad, under a cover of panchanama alleging that the said vehicle has been used in the above crime and since then, the vehicle is lying in Shankarpally Police Station, R.R. District.

3. The petitioner filed CrI.M.P.No.520 of 2019 for grant of interim custody of the Audi car, which was seized in the above crime. The learned Magistrate, vide impugned order, dismissed the petition. Hence, this revision.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle, that the vehicle was not seized from the scene of offence as alleged and the said vehicle is registered in the name of petitioner's company and it is required for day-to-day activities of the company. He further submits that if the vehicle is exposed to air, sun and rain, there is every possibility of the vehicle getting damaged and hence, seeks interim custody of the vehicle.

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

6. In **SURENDERBHAI AMBALAL DESAI V STATE OF GUJARAT** ¹, the Apex Court has laid down that in case of vehicle seized during investigation, it should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Station. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to certain conditions.

7. Since there is no dispute with regard to the ownership of the vehicle and having regard to the principles laid down by the Apex Court in the decision stated supra, I am inclined to grant interim custody of Audi Car bearing No. TS 09 EC 9090, which was seized in Cr.No.98 of 2019 of Shankarpally Police Station, Ranga Reddy District, in favour of the petitioner on the following conditions:

1. Both the petitioner and surety shall execute indemnity bond for a sum of Rs.40,00,000/- (Rupees forty lakhs only) for a like sum to the satisfaction of Junior Civil Judge-cum-Judl. Magistrate of I Class at Chevella, R.R. District.

2. 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 it while using the vehicle.

3. 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 it will not alienate, encumber or alter the physical features of the vehicle.

8. Accordingly, the Criminal Revision Case is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G.SRI DEVI

DATED: 27.08.2019.
Hsd

¹ (2002) 10 SCC 283



