

THE HON' BLE JUSTICE G. SRI DEVI
CRIMINAL REVISION CASE No.991 OF 2019

ORDER:-

1. The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. questioning the docket order, dt.26.08.2019 in CrI.M.P.No.1254 of 2019 in Cr.No.124 of 2019 on the file of VI Addl.Metropolitan Magistrate-cum-Judl.Magistrate of First Class, Spl.(Mobile)-VI Additional Junior Civil Judge, Cyberabad at L.B.Nagar.
2. The facts in issue are that the petitioner is wife of A.5 in this case and owner of the vehicle Hyundai Verna Car bearing No.TS 08 GA 1411 which is seized by the police alleging as the same was involved in the crime supra and now in the custody of police. During the pendency of investigation, the petitioner, claiming to be the owner of the said vehicle, filed CrI.M.P.No.1254 of 2019 supra seeking interim custody of the vehicle and the same was dismissed. 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 vehicles have 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, I am inclined to grant interim custody of the vehicle Hyundai Verna Car bearing No.TS 08 GA 1411 seized in Crime No.124 of 2019 of Saroornagar Police Station, in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for Rs.5,00,000/- (Rupees four lakhs only) with one surety for a like sum to the satisfaction of the VI Addl.Metropolitan Magistrate-cum-Judl.Magistrate of First Class, Spl.(Mobile)-VI Additional Junior Civil Judge, Cyberabad at L.B.Nagar.
- 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 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.

11.09.2019
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JUSTICE G. SRI DEVI