

THE HONOURABLE JUSTICE G. SRI DEVI

Crl.R.C.No.1471 of 2019

ORDER

This revision is filed under Sections 397 and 401 Cr.P.C., against the order of dismissal dated 09.12.2019 passed in Crl.M.P.No.985 of 2019 in C.C.No.771 of 2019 by the learned Judicial Magistrate of First Class, Husnabad.

2. The petitioner/A1 states that his lorry bearing No.TS-02-UC-3210 was seized by the police on the ground that it was used in transporting of sand without any permission and a case in Cr.No.227 of 2019 on the file of Keshavapatnam Police Station, Karimnagar District, was registered against him and others. Thereupon, he filed an application for interim custody of the said vehicle and the same was dismissed. Challenging the same, the petitioner filed Crl.R.C.No.1318 of 2019, wherein this Court, by order dated 21.11.2019, granted interim custody of the vehicle to the petitioner on his executing a personal bond for a sum of Rs.4,00,000/- with one surety for a like sum to the satisfaction of the Court below and also directed him to deposit the original Registration Certificate before the Court below apart from other conditions. Since the petitioner has deposited original Registration Certificate in an earlier case registered against him involving the same vehicle in C.C.No.771 of 2019 on the file of the Judicial Magistrate of First Class, Husnabad, he filed the impugned application for return of the said Certificate before the said Court, but

the same was dismissed observing that the subject vehicle was involved in commission of offence for second time after the crime was registered on the same vehicle in C.C.No.771 of 2019 and that the petitioner also failed to disclose the material facts before the Court as to whether the original Registration Certificate is deposited in the Court or not.

3. Learned counsel for the petitioner submits that petitioner has to produce the original Registration Certificate before the I Additional Judicial Magistrate of First Class, Huzurabad, for release of the subject vehicle as per the order of this Court in CrI.R.C.No.1318 of 2019 dated 21.11.2019. Thus, he prays to direct the Court below to return the said Certificate.

4. Learned Additional Public Prosecutor opposed the relief sought for by the petitioner and contended that the subject vehicle was involved in two crimes.

5. The petitioner/A1 had deposited the original Registration Certificate of the subject vehicle in C.C.No.771 of 2019. As per the order of this Court dated 21.11.2019, the petitioner has to necessarily produce the said Certificate before the I Additional Judicial Magistrate of First Class, Huzurabad. Therefore, it would be appropriate to direct the learned Judicial Magistrate of First Class, Husnabad, to return the Original Registration Certificate of subject vehicle to the petitioner so as to produce before the I Additional Judicial Magistrate of First Class, Huzurabad, in connection with Cr.No.227 of 2019 on the file of Keshavapatnam Police station,

Karimnagar District, after issuing a certified copy of the said certificate to him.

6. With the above direction, the Criminal Revision Case is disposed of.

7. Miscellaneous petitions, if any pending in this revision, shall stand closed.

23rd December, 2019

sj

G. SRI DEVI, J

