

THE HON' BLE JUSTICE G. SRI DEVI
CRIMINAL REVISION CASE No.36 OF 2020

ORDER:-

1. The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order dated 22.11.2019 passed by the learned Special Sessions Judge for trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge at Khammam, in CrI.M.P.No.1202 of 2019, whereby the application filed by the petitioner seeking to release the Motor Cab car bearing registration No.TS28 T-8078 to interim custody of the petitioner was dismissed.
2. The brief facts of the case are that the petitioner is the owner of the aforesaid vehicle which was seized in relation to Crime No.203 of 2019 on the file of Burgampahad Police Station under the cover of panchanama and the said vehicle was kept in the said Police Station. During the pendency of the investigation, the petitioner claiming to be the owner of the said Motor cab car filed the aforesaid application which was dismissed. Hence, the present Criminal Petition.
3. Learned counsel for the petitioner submits that there is every possibility of the said vehicle getting damaged if it is kept exposed to air, sun and rain at the Police Station premises and hence, seeks interim custody of the said vehicle to the petitioner.
4. Learned Additional Public Prosecutor though opposed the Criminal Petition, did not dispute the ownership of the petitioner in respect of the subject vehicle.
5. In *Surenderbhai Ambalal Desai v. State of Gujarat*¹, the Apex Court has laid down that the vehicles seized during the investigation should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations and the same have to

¹ (2002) 10 SCC 283

be entrusted to the interim custody of their owners subject to appropriate conditions.

6. Since there is no dispute with regard to the ownership of the said Motor Cab car 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 Motor Cab car bearing registration No.TS-28 T-8078, seized in Crime No.203 of 2019 on the file of Burgampahad Police Station, in favour of the petitioner on the following terms:-

- i) The petitioner shall execute a personal bond for Rs.1,00,000/- (Rupees One lakh only) with one surety for a like sum to the satisfaction of the learned Special Sessions Judge for trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge at Khammam.
- ii) The petitioner shall deposit the original Registration Certificate of the said 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 said vehicle.
- iii) The petitioner shall give an undertaking to produce the said Motor Cab car 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 said vehicle.

Accordingly, the Criminal Petition is disposed of.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

22nd January, 2020
dr

JUSTICE G. SRI DEVI