

THE HON'BLE JUSTICE G.SRI DEVI
CRIMINAL PETITION No.1420 of 2020

ORDER:

This Criminal Petition under Section 482 Cr.P.C. is filed by the petitioner-owner of the property challenging the order, dated 05.12.2019 in CrI.R.P.No.51 of 2019 on the file of the III Addl. District and Sessions Judge, Mahabubnagar at Gadwal.

2. The facts of the case are that on 18.03.2019 the police of Alampur arrested the accused when they were catching the fish with the aid of Alvi Net in the waters of Krishna River near Kyathur village, Alampur mandal, which is prohibited one and thereafter sent A1 to A6 to judicial remand and seized the prohibited Alvi Net.

3. The petitioner herein filed CrI.M.P.No.1388 of 2019 in Cr.No.52 of 2019 (of Alampur P.S.,) on the file of the Judl. I Class Magistrate, Alampur, under Section 451 Cr.P.C. seeking interim custody of the Alvi Fishing Net. The learned Magistrate, vide order, dated 30.08.2019 dismissed the petition. Aggrieved thereby, the petitioner herein filed CrI.R.P.No.51 of 2019 on the file of the III Addl. District and Sessions Judge, Mahabubnagar at Gadwal. The learned Sessions Judge, vide impugned order, dismissed the petition. Hence, this petition.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the seized property i.e., Alvi Net and the police illegally seized the property without there being any reason and proof. He further submits that in this case except filing of charge sheet, the entire investigation is completed and all the material witnesses were examined. He further submits that the worth of the Alvi Net is Rs.60,000/- and if it is kept unused, it will damage and it will cause hardship and irreparable loss to the petitioner. Hence, he prays to grant interim custody of the Alvi Net.

5. For the reasons mentioned in the petition and the submission made by the learned counsel for the petitioner, the interim custody of the Alvi Fishing Net shall be given to the petitioner on his executing a personal bond for a sum of Rs.60,000/- with one surety for a like sum to the satisfaction of the Judl. Magistrate of I Class, Alampur.

6. Accordingly, this Criminal Petition is disposed of. As a sequel, miscellaneous petitions, if any pending, shall stand closed.

JUSTICE G.SRI DEVI

DATED: 27.02.2020
Hsd

