

THE HON' BLE JUSTICE G. SRI DEVI
CRIMINAL PETITION No.1605 OF 2020

ORDER:-

1. The present Criminal Petition is filed under Sections 482 Cr.P.C. challenging the order dated 06.02.2020 passed by the learned Judicial First Class Magistrate, Srcilla, in CrI.M.P.No.16 of 2020, whereby the application filed by the petitioner seeking to release the car bearing registration No.AP-12-M-4555 to his interim custody 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.35 of 2019 on the file of Konaraopet 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 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 be entrusted to the interim custody of their owners subject to appropriate conditions.

¹ (2002) 10 SCC 283

6. Since there is no dispute with regard to the ownership of the aforesaid 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 aforesaid car bearing registration AP-12-M-4555, seized in Crime No.35 of 2019 on the file of Konaraopet 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 Five lakhs only) with one surety for a like sum to the satisfaction of the learned Judicial First Class Magistrate, Srcilla.
- 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 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.

05th March 2020
dr

JUSTICE G. SRI DEVI