

**HON'BLE JUSTICE G. SRI DEVI**

**CRIMINAL PETITION No.1732 of 2019**

**ORDER :**

This Criminal Petition is filed under Section 482 Cr.P.C. seeking to quash the order, dated 06.02.2019 in CrI.M.P.No.22 of 2019 in Cr.No.235 of 2018 on the file of the Addl. Judl. I Class Magistrate, Bhongir.

2. Heard the learned counsel for the petitioner, learned Addl. Public Prosecutor representing the State and perused the record.

3. The petitioner filed CrI.M.P.No.22 of 2019 for grant of interim custody of the Motor Cab bearing Registration No.TS09UB1141, which was seized in the above crime. The learned Magistrate, vide impugned order, dismissed the petition. Hence, this Criminal Petition.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle, that the vehicle is under Hypothecation, that the petitioner is paying monthly instalment to the Finance Services Ltd., and if the vehicle is not released, the petitioner would suffer irreparable loss and injury. He further submits that if the vehicle is exposed to air, sun and rain, there is every possibility of the vehicle getting damaged and hence, seeks interim custody of the vehicle.

5. Learned Additional Public Prosecutor though opposed the petition, but did not dispute the ownership of the vehicle.

6. In **SURENDERBHAI AMBALAL DESAI V STATE OF GUJARAT** <sup>1</sup>, the Apex Court has laid down that in case of vehicle seized during investigation, it should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Station. Therefore, the vehicle has to be entrusted to the interim custody of the petitioner subject to certain conditions.

7. Since there is no dispute with regard to the ownership of the vehicle and having regard to the principles laid down by the Apex Court in the decision stated supra, I am inclined to grant interim custody of Motor Cab bearing No.TS09UB1141. which was seized in Cr.No.235 of 2018 of Bibinagar Police Station, in favour of the petitioner on the following conditions:

1. The petitioner shall execute a personal bond for a sum of Rs.10,00,000/- (Rupees ten lakhs only) with one surety for a like sum to the satisfaction of the Addl. Judl. I Class Magistrate, Bhongir.
2. 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.
3. 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.

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<sup>1</sup> (2002) 10 SCC 283

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

JUSTICE G.SRI DEVI

**DATED: 20.01.2020.**  
Hsd



