

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

THURSDAY ,THE THIRTY FIRST DAY OF DECEMBER  
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HONOURABLE SRI JUSTICE P.KESHAVA RAO**

**CRIMINAL REVISION CASE NO: 552 OF 2020**

Revision filed under Section 397/401 of CrPC aggrieved by the order dt. 31/8/2020 passed in CrI.M.P.No. 409 of 2020 in Cr.No. 277 of 2020 on the file of the Special Sessions Judge for the trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Addl. Sessions Judge at Khammam,

**Between:**

1. Chebolu Avnesh, s/o Rammohan Rao, aged about 30 years, Occ. Business, r/o Keerthi Apartments, Yellareddyguda, Near Saradhi Studio, Hyderabad.

**...PETITIONER/OWNER OF THE PROPERTY**

**AND**

1. The State of Telangana, through P.S. Bhadrachalam Town, Bhadradri Kothagudem District, rep. by its Public Prosecutor, High Court, Hyderabad.  
**.....RESPONDENT/RESPONDENT/COMPLAINANT**
2. Baria Srikanth, s/o Chennaiiah, aged about 22 years, occ. Online food Delivery Boy, r/o Old Hafeezpet, Hyderabad.
3. Earla Anirudh, s/o Narsimha, aged 22 years Occ. Online Food Delivery Boy, r/o Old Hafeezpet, Hyderabad
4. Touta Vinay, s/o Neeleswar, aged 22 years Occ. Student, r/o Old Haeepet of

**...RESPONDENTS/RESPONDENTS ACCUSED 1 TO 3**

**IA NO: 1 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the S.H.O., Bhadrachalam Town to return the Innova Vehicle bearing Reg.no.TS-10- EC-6667 seized in Cr.No. 277 of 2020, pending disposal of the main Criminal Revision Case

**Counsel for the Petitioner: SMT K JAYASREE**

**Counsel for the Respondent: NO 1 ADDITIONAL PUBLIC PROSECUTOR (TG)**

**Counsel for the Respondent: NO 2 TO 4 NONE**

**The Court made the following: ORDER**

**HONOURABLE SRI JUSTICE P. KESHA RAO**

**CRIMINAL REVISION CASE No.552 of 2020**

**ORDER:**

The present Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. questioning the order, dated 31.08.2020 passed in Crl.M.P.No.409 of 2020 in Crime No.277 of 2020 on the file of the Special Sessions Judge for the Trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-1-Additional Sessions Judge at Khammam.

2. The facts in issue are that the petitioner is the owner of the Innova vehicle bearing No.TS 10 EC 6667 and the said vehicle was seized in Crime No.277 of 2020 of Bhadrachalam Town Police Station, which was registered for the offences punishable under Section 8(c) read with Section 20(b)(ii)(B) of the N.D.P.S.Act, 1985, and the said vehicle was kept in the police station. During the pendency of investigation, the petitioner, claiming to be the owner of the said vehicle, filed Crl.M.P.No.409 of 2020 before the Special Sessions Judge for the Trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-1-Additional Sessions Judge at Khammam, seeking interim custody of the vehicle. By an order, dated 31.08.2020, the learned Judge rejected the application. Challenging the same the present revision is filed.

3. Learned counsel for the petitioner submits that there is every possibility of the vehicle getting damaged, if it is kept exposed to vagaries of nature at the premises of Police Station and hence seeks interim custody of the vehicle.

4. Learned Additional Public Prosecutor, though opposed the revision, did not dispute the ownership of the vehicle.

5. In *Surenderbhai Ambhalal Desai v. State of Gujarat*<sup>1</sup>, the Apex Court has laid down that in case of vehicles seized during investigation, they should not be allowed to deteriorate by being kept unused and unattended in the premises of the Police Stations. Therefore, the vehicles have to be entrusted to the interim custody of the petitioner subject to appropriate conditions.

6. Since there is no dispute with regard to the ownership of the vehicle 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 Innova vehicle bearing No.TS 10 EC 6667, which was seized in Crime No.277 of 2020 of Bhadrachalam Town Police Station, in favour of the petitioner on the following terms.

- i) The petitioner shall execute a personal bond for Rs.2,00,000/- (Rupees two lakhs only) with one surety for a like sum to the satisfaction of the I Additional Sessions Judge, Khammam.
- ii) The petitioner shall deposit the original Registration Certificate of the vehicle in the Court below. However, the Court below shall issue a certified copy of the registration certificate to the petitioner so that no inconvenience is caused to him while using the vehicle.
- iii) The petitioner shall give an undertaking to produce the vehicle as and when required either before 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.

7. Accordingly, the Criminal Revision Case is disposed of.

Miscellaneous petitions, if any, shall stand closed.

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

**Sd/-C.V.MALLIKARJUNA VARMA**  
**DEPUTY REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Special Sessions Judge for the trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Addl. Sessions Judge at Khammam District
2. The Station House Officer, Bhadrachalam Town Police Station Bhadrachalam Town Khammam District

*Contd-----*

3. One CC to SMT K JAYASREE Advocate [OPUC]

4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT]

5. Two CD Copies

*[Signature]*

HIGH COURT  
PKRJ  
DATED:31/12/2020



ORDER  
CRLRC.No.552 of 2020

DISPOSING OF THE CRIMINAL REVISION CASE

RTM (7)  
5/1/2021