

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.1507 of 2019

ORDER :

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. challenging the order, dated 03.12.2019 in Crl.M.P.No.2326 of 2019 in Cr.No.334 of 2019 on the file of the Judl. Magistrate of I Class, Sulthanabad.

2. The petitioner-owner of the property filed Crl.M.P.No.2326 of 2019 for interim custody of the case property i.e., Ashok Leyland Goods Carriage- HMV, DCM Van bearing No.TS-01-UB-4445. The learned Magistrate, vide impugned order, dismissed the petition. Hence, this revision.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and the petitioner is no way concerned with the alleged crime and he is not aware of the transportation of the animals as the vehicle of the petitioner was taken on rent by some third parties. He further submits that the vehicle of the petitioner was not involved in other cases. 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.

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

5. In **SURENDERBHAI AMBALAL DESAI V STATE OF GUJARAT** ¹, 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.

6. 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 Ashok Leyland Goods Carriage- HMTV, DCM Van bearing No.TS-01-UB-4445, which was seized in Cr.No.334 of 2019 of Sulthanabad Police Station, Peddapalli District, in favour of the petitioner on the following conditions:

1. The petitioner shall execute a personal bond for a sum of Rs.4,00,000/- (Rupees four lakhs only) with one surety for a like sum to the satisfaction of the Judl. Magistrate of I Class Sulthanabad.
2. The petitioner shall furnish the original Registration Certificate of the vehicle after taking out the same from the Court of I Addl. Judl. Magistrate of I Class, Godavarikhani by replacing the same with certified copy of Registration Certificate in the said Court and produce the original Registration Certificate before the Judl. Magistrate of I Class, Sulthanabad.
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.

¹ (2002) 10 SCC 283

7. Accordingly, the Criminal Revision Case is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G.SRI DEVI

DATED: 13.02.2020.
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