

THE HONOURABLE JUSTICE G. SRI DEVI**CRIMINAL REVISION CASE No.340 of 2021****ORDER :**

This Criminal Revision Case, under Sections 397 and 401 of Cr.P.C., is filed by the petitioner aggrieved by the order dated 27.05.2021 passed in CrI.M.P.No.374 of 2021 in Crime No.90 of 2021, on the file of I Additional Judicial Magistrate of First Class, Husnabad, Karimnagar district.

2. The petitioner filed CrI.M.P.No.374 of 2020, before the learned I Additional Judicial Magistrate of First Class, Husnabad, for return of the case property which is Ashok Leyland Model 2017 bearing registration No. TS-08-UD-5463 which was seized in Cr.No.90 of 2021 by the Koheda Police. Since the property is involved in another crime and it is pending before learned II Addl.Junior Civil Judge, Siddipet, the learned I Addl.Judicial Magistrate of First Class, Husnabad, vide impugned order dated 27.05.2021, dismissed the petition. Hence, this Criminal Revision Case.

3. Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and if the vehicle is not released, he would be put to irreparable loss. 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 petition, but did not dispute the ownership of the vehicle.

5. Learned counsel for the petitioner relied on the decisions reported in **JAGTAR SINGH, SON OF DHYAN SINGH V STATE OF RAJASTHAN**¹, **KISHORE KUMAR CHOUDHURY V STATE OF ORISSA** ² and **WAISH AHMED V STATE OF WEST BENGAL** ³ , wherein the High Courts of Rajasthan, Orissa and Calcutta, released the vehicles seized under the NDPS Act, on certain terms and conditions. Further, in **SURENDERBHAI AMBALAL DESAI V STATE OF GUJARAT** ⁴, 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 various High Courts and Apex Court in the decisions stated supra, I am inclined to grant interim custody of Ashok Leyland Model 2017 bearing No. TS-08-UD-5463, which was seized in Cr.No.90 of 2021 by Koheda Police Station, in favour of the petitioner on the following conditions:

¹ 2017 Law Suit (Raj) 2379

² 2017 Law Suit (Ori.) 240

³ 2019 Law Suit (Cal.) 22

⁴ (2002) 10 SCC 283

a) 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 I Additional Judicial Magistrate of First Class, Husnabad.

b) 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.

c) The petitioner shall give an undertaking to produce the vehicle as and when required either by the Investigating Agency or by 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. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

DATED: 17.06.2021

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JUSTICE G.SRI DEVI

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