

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD

TUESDAY ,THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL NO: 443 OF 2023

Criminal Appeal Under Section 378(3) and (a) of Cr.P.C against the Judgment Dated 23-02-2023 in NDPS SC.No.130 of 2018 in M.O.3 on the file of the Court of the I District and Sessions Judge At Sanga Reddy.

Between:

Oggu Narsimulu, S/o Oggu Papaiah, aged about 49 years, Occ. Business, R/o H.No.14-29, Hanuman Nagar, Ismailkhanpet Village, Sanga Reddy Town and Dist.

...APPELLANT/OWNER VEHICLE

AND

State of Telangana, through S.H.O. Prohibition and Excise Police Station, Sanga Reddy Rep. by Public Prosecutor, High court, Hyderabad.

...RESPONENT

IA NO: 2 OF 2023

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 condone the delay of 57 days in filing the CrI.A.

IA NO: 3 OF 2023

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 SHO, Prohibition and Excise Police Station, Sanga Reddy to release the vehicle i.e., Two wheeler Activa Bearing No. TS-15-P-TR-3352 seized in relation of FIR No. 449 of 2017 under section 8(c) r/w Sec 20(b)(ii)(A) of NDPS Act, 1985 in favour of the petitioner.

Counsel for the Appellant : SRI. NAMBI KRISHNA

Counsel for the Respondent : PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No.443 OF 2023****J U D G M E N T:**

This Criminal Appeal is filed to set aside the Judgment dated 23.02.2023 passed by the I Additional District and Sessions Judge, Sangareddy in NDPS SC No.130 of 2018 to the extent of confiscation of M.O.3 to the State.

2. Heard and perused the record.

3. The appellant was tried for the offence under Section 8(c) r/w Sec 20(b)(ii)(A) of N.D.P.S. Act, 1985 and the appellant was acquitted by the trial Court vide Judgment, dated 23.02.2023. The vehicle M.O.3 Honda Activa was directed be confiscated to the State.

4. The appellant filed Crl.P.No.5345 of 2023 before this Court for release of M.O.3 and this Court by an order dated 19.06.2023 dismissed the Criminal Petition granting liberty to the petitioner to file an appeal against the Judgment dated 23.02.2023 in NDPS SC No.130 of 2018 for release of vehicle. The present appeal is filed seeking return of M.O.3 which was seized by the Police during the course of investigation and confiscated to the State.

5. Learned counsel appearing for the appellant would submit that the vehicle was given interim custody pending trial. However, when

it was produced for the purpose of trial, the same was in the custody of the Court and after pronouncement of the Judgment, the trial Court failed to return the vehicle to the appellant.

6. Learned Additional Public Prosecutor submits that no appeal is filed by the State against the acquittal judgment, dated 23.02.2023.

7. In view of the above, the appellant shall produce all the relevant documents before the concerned Court and on being satisfied that the vehicle belongs to the appellant herein, the same shall be returned by the trial Court to the appellant.

8. With the above observations, the Criminal Appeal is disposed off.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

Sd/- M. RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

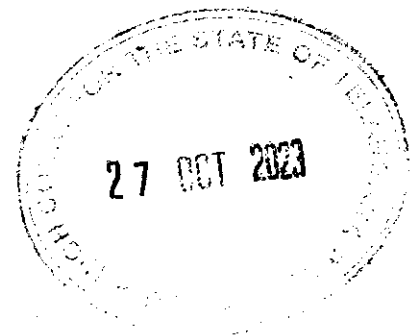
1. The I District and Sessions Judge At Sanga Reddy (with records)
2. One CC to SRI. NAMBI KRISHNA, Advocate [OPUC]
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
4. Two CD Copies

DL

NJB

HIGH COURT

DATED:29/08/2023



JUDGMENT

CRLA.No.443 of 2023

Crl.P is Disposed off

7 copies
Srn
18/10/23