

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF MAY  
TWO THOUSAND AND NINE

PRESENT  
**THE HON'BLE MR JUSTICE B.PRAKASH RAO**  
**WRIT PETITION NO : 10715 of 2009**

Between:

Ch.Anand Kumar S/o.Pichaiah

R/o.Mandavalli Village and Mandal, Krishna District.

**..... PETITIONER**

AND

1 The State of Andhra Pradesh, represented by its Principal Secretary,  
Home Department, Secretariat,  
Hyderabad.

2 The Station House Officer, Mandavalli Police Station, Mandavalli,  
Krishna District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in seizing the Hero Honda Splender bearing No. AP 16 AG 7469 in Crime No.45 of 2009 which is kept in the custody of the Hon'ble Judicial First Class Magistrate, Kaikaluru, Krishna District, as illegal, arbitrary and consequently direct the respondent to release the petitioner's Hero Honda Splender bearing No. AP 16 AG 7469 forthwith.

**Counsel for the Petitioner: MR.P.N.MURTHY**

**Counsel for the Respondent No.: GP FOR HOME**

**The Court made the following :**

**HON'BLE SRI JUSTICE B.PRAKASH RAO**

**W.P.NO.10715 OF 2009**

**ORDER:**

Heard both sides.

The writ petition is taken up for final hearing at the request of both the counsel.

The only grievance of the petitioner is against the very action in seizing the auto bearing No.AP 16 AG 7469 in Crime No.45 of 2009, which is pending on the file of the Judicial First Class Magistrate, Kaikaluru, Krishna District. It is also the case of the petitioner that in spite of the request made by him, the said vehicle is not released. It is also stated that the petitioner is not connected with the offence alleged.

Having regard to the facts and circumstances of the case, without going into the merits of the case, it is suffice in the interest of justice to direct the 2<sup>nd</sup> respondent to release the auto bearing No. AP 16 AG 7469 pending disposal of the case in Crime No.45 of 2009.

The writ petition is disposed of accordingly directing the 2<sup>nd</sup> respondent to release the auto bearing No. AP 16 AG 7469 subject to condition of the petitioner furnishing security of Rs.5,000/- (Rupees five thousand only) to the satisfaction of the Judicial First Class Magistrate, Kaikaluru, Krishna District. No costs.

29.05.2009  
kpr/kvrm

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B.PRAKASH RAO,J

**HON'BLE SRI JUSTICE B.PRAKASH RAO**

**W.P.NO.10715 OF 2009**

**DATED: 29-05-2009**