

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13660 of 2014

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the docket order, dated 31.07.2014 passed in Crl.M.P.No.1253 of 2014 in S.T.C.No.137 of 2014 on the file of the Judicial Magistrate of First Class, Ramannapet.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent – State.

3. A perusal of the record reveals that Motor Bike bearing No.AP 24 AR 7038 was seized by the Police on 22.06.2014 from the friend of the petitioner. As per the allegations made in the complaint, the bike was seized from the persons, who were playing cards. The Police registered a case in Crime No.27 of 2014 under Section 9 (1) of the A.P.Gaming Act, 1974 (for short, 'the Act'). After completion of the investigation, the Police filed the charge sheet and numbered the same as S.T.C.No.137 of 2014 on the file of the Judicial Magistrate of First Class at Ramannapet.

4. While the things stood thus, the petitioner filed Crl.M.P.No.1253 of 2014 on the file of the Judicial Magistrate of First Class, Ramannapet for release of the vehicle and the same was dismissed by the trial Court on 31.07.2014. Hence, the present petition.

5. A perusal of the record reveals that the petitioner is not an accused in S.T.C.No.137 of 2014. It appears that the friend of the petitioner has taken the motorcycle on the date of incident. As per the provisions of the Act, the vehicle is not liable for confiscation. If the vehicle is kept in the Police Station, it may cause untold hardship to the petitioner. Even if the vehicle is released, it may not cause any prejudice to the

respondent.

6. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to quash the docket order dated 31.07.2014.

7. Accordingly, the Criminal Petition is allowed, the docket order, dated 31.07.2014 passed by the trial Court in Crl.M.P.No.1253 of 2014 in S.T.C.No.137 of 2014 on the file of the Judicial Magistrate of First Class, Ramannapet is hereby set aside and the petitioner is granted interim custody of the Motor Bike bearing No.AP 24 AR 7038 subject to her proving ownership to the vehicle on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties in a like sum to the satisfaction of Judicial Magistrate of First Class, Ramannapet, and on further conditions as follows:

- 1) that the petitioner shall produce the vehicle before the trial Court as and when directed by the trial Court,
- 2) the petitioner shall produce the original R.C. of the vehicle before the concerned Court,
- 3) the petitioner shall not alienate or dispose of the vehicle without prior permission of the Court; and
- 4) the petitioner shall not alter the shape or condition of the vehicle without prior permission of the Court.

Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 28.11.2014

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