

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Crl.A.No.133 of 2015

JUDGMENT :

This appeal is filed under Sections 454 of Criminal Procedure Code, 1973 questioning the judgment dt.16.12.2013 in S.C.No.381 of 2013 on the file of II Additional Sessions Judge, Karimnagar, Jagityal insofar as the said judgment directed confiscation of MO.4 to the State.

2. Heard Sri D. Bhaskar Reddy, counsel for appellant, and the learned Public Prosecutor for the State of Telangana.

3. The brief facts of the case are that in the said Sessions case, three persons were accused of committing offences under Sections 302 and 201 of Indian Penal Code for killing one Gangarajam, the husband of the *de facto* complainant. Of them, A.1 died and the case abated against him in the court below.

4. By the impugned judgment, A.2 and A.3 were acquitted. The appellant herein is not one of the accused. He claims to be the owner of MO.4-motorcycle, bearing registration No.AP 36 AT 3882. According to him, this vehicle was seized at the house of A.2 under cover of Ex.P.17-Panchanama by the police who were investigating the case. The impugned judgment gives no reason why this motor-cycle is directed to be confiscated

to the State. It is also not the case of prosecution that this vehicle was used in the commission of the crime.

5. The counsel for petitioner submits that petitioner is the owner of the said vehicle and it was seized by the police from the possession of A.2, who had been acquitted; and the vehicle ought to be directed to be released to him since he is the owner thereof.

6. The learned Public Prosecutor has also not been able to show any reason why the vehicle in question deserves to be confiscated to the State.

7. In this view of the matter, this appeal is disposed of setting aside the judgment dt.16.12.2013 in Sessions Case No.381 of 2013 on the file of II Additional Sessions Judge, Karimnagar at Jagityal to the extent it directed confiscation of the above vehicle. Subject to appellant satisfying the II Additional Sessions Judge, Karimnagar at Jagityal about his ownership of the same, it may be released to him. Else, the order passed by the court below would stand.

8. In view of orders in CrI.A.No.133 of 2015, no orders are required in miscellaneous petitions.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12-02-2015

Ndr/*

Note :

Issue C.C. in (03) three days.

B/o.
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