



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3521]

FRIDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 1575/2026

Between:

1. DUDEKULA CHINNA MADHU, S/O LAKSHMANNA H.NO. 4-236,
B.MATHAM STREET, ANKIREDDYPALLE VILLAGE, KOLIMIGUNDLA
MANDAL, NANDYAL DISTRICT.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, through S.H.O., Kollimigundla
Police Station, Nandyal District rep. By Public Prosecutor, High Court,
Amaravati.

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

V SANTHISREE

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.)/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') filed by the petitioner herein seeking to direct the respondent to release vehicle i.e., Tractor, bearing No.AP 21 TX 9449 which was seized on 11.07.2025 in connection to Crime No.92 of 2025 on the file of Judicial Magistrate of First Class, Banaganapalle, registered for the offence punishable under Section 106(1) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the B.N.S').

2. Ms.V.Santhisree, learned Counsel for the Petitionersubmits that the Petitioner is the registered owner of the subject vehicle and that if the vehicle is exposed to sun and air, it is likely to get damaged. It is further submitted that the wife of the deceased got compensation from the Petitioner being the owner of the tractor to a tune of Rs.2,80,000/- and that the Petitioner is ready to abide by any conditions that may be imposed by this Court, if the vehicle is ordered to be released on interim custody. The learned counsel for the petitioner relied upon the decision of the Hon'ble Apex Court in **Sunderbhai Ambalal Desai v. State of Gujarat**¹.

3. *Per contra*, the learned Assistant Public Prosecutor vehemently opposed to release of the vehicle on the ground that the investigation is still pending.

¹AIR 2003 SC 638

4. Heard learned counsel for the petitioner and the learned Assistant Public Prosecutor.

5. The learned Magistrate dismissed the petition on the ground that the insurance policy was valid only from 13.08.2025 to 12.08.2026, and therefore, on the date of the alleged accident i.e., 11.07.2025, the vehicle had no third-party insurance coverage.

6. The Hon'ble Apex Court in **Sunderbhai Ambalal Desai** *supra*, gave certain guidelines regarding the granting of temporary custody of property to claimants, wherein at paragraph Nos.7 and 17 as under:

"7. In our view, the powers under Section 451 CrPC should be exercised expeditiously and judiciously. It would serve various purposes, namely:

1. owner of the article would not suffer because of its remaining unused or by its misappropriation;
2. court or the police would not be required to keep the article in safe custody;
3. if the proper panchnama before handing over possession of the article is prepared, that can be used in evidence instead of its production before the court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail; and
4. this jurisdiction of the court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.

17. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles."

7. Be that as it may, if the vehicle has been in judicial safe custody of the Investigating Officer would not serve any purpose. On the other hand, if it is

exposed to sun, light, air and rain, the value of the vehicle would deteriorate. Therefore, in the interest of justice, the vehicle can be ordered to be released on interim custody to the petitioner, subject to certain conditions.

8. Considering the facts and circumstances of the case, the Criminal Petition is disposed of. The subject vehicle, i.e., Tractor, bearing No.AP21 TX9449, which was seized on 11.07.2025 in connection with Crime No.92 of 2025 on the file of Judicial Magistrate of First Class, Banaganapalle, is ordered to be released to the petitioner on interim custody, subject to the following conditions:

- i. The vehicle shall be released on the petitioner furnishing a bank guarantee for a sum of Rs.50,000/- (Rupees Fifty thousand only) to the satisfaction of the learned Judicial Magistrate of First Class, Banaganapalle.
- ii. The petitioner shall produce the vehicle as and when required by the Trial Court.
- iii. The petitioner shall not alter, alienate, or create any third-party interest in the vehicle in any manner whatsoever, nor shall he transfer the same.
- iv. The petitioner shall deposit the original Registration Certificate (RC) of the vehicle before the Trial Court. In that event, the learned Trial Court is permitted to direct the Motor Vehicles Authority (MVA) to issue a necessary

certificate enabling the petitioner to ply the vehicle on the road during the pendency of the proceedings.

9. In the result, the Criminal Petition is disposed of.

10. However, it is made clear that the appropriate authority has got authority to proceed in accordance with law for confiscation or otherwise of the vehicle, by affording due and sufficient opportunity to both sides.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 06.03.2026

Note: Issue C.C. by 07.03.2026

B/o
PBS

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION No.1575 of 2026

Date: 06.03.2026

PBS