

**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**WRIT PETITION No.15279 OF 2020**

**ORDER:**

The petitioner seeks a writ of *Mandamus* declaring the action of 2<sup>nd</sup> respondent in imposing condition of furnishing FDR for Rs.4,85,000/- for granting interim custody of seized Maruthi Dezire Car bearing registration No. AP 04 BY 2025, as arbitrary, unjust and for a consequential direction.

2. Learned counsel for petitioner submits that the petitioner is the owner of Maruthi Dezire Car bearing registration No. AP 04 BY 2025 and their family friend has taken the car for his personal usage by engaging a driver; subsequently she came to know that on 17.06.2020 the Police Nandyal Rural seized the said car and registered Crime No.445 of 2020 on the allegations that the driver of the said vehicle possessed 8 IML bottles in his luggage, which allegation bear no concrete evidence, for, except the Investigating Officer's statement, no panchanama was conducted in the presence of independence witnesses for seizing the contraband and the vehicle; the procedure under Section 100 of Cr.P.C was totally given a go-bye; the petitioner being the owner of the vehicle, entitled to its interim custody till disposal of the case; while so, the 2<sup>nd</sup> respondent directed the petitioner to furnish FDR for RS.4,85,000/- in his proceedings vide Rc.No.34/2020 dated 11.08.2020 for granting interim custody of the vehicle. Learned counsel would submit that except being the owner, the petitioner has nothing to do with the alleged offence and further, the condition to produce the FDR for a huge amount of Rs.4,85,000/-

is onerous. Learned counsel requested this Court to modify the aforesaid condition suitably.

3. Learned Government Pleader for Home opposed the petition.

4. Considering the fact that offering of FDR for Rs.4,85,000/- till disposal of the main case is burdensome to the petitioner and in lieu of it, offering of property security equivalent to the value of the vehicle will sufficiently meet the ends of justice, the aforesaid condition in the impugned order vide Rc.No.34/2020 dated 11.08.2020 is modified and instead, the petitioner is directed to furnish a 3<sup>rd</sup> party immovable property security for a sum of Rs.4,85,000/- (Rupees four lakhs and eighty five thousand only) to the satisfaction of the 2<sup>nd</sup> respondent within three (03) weeks from the date of receipt of a copy of this order. In such an event, the 2<sup>nd</sup> respondent shall grant interim custody of the vehicle i.e., Maruthi Dezire Car bearing registration No. AP 04 BY 2025 to the petitioner.

5. Accordingly, this writ petition is disposed of. No costs.

As a sequel, Interlocutory Applications, if any pending for consideration, shall stand closed.

---

**U. DURGA PRASAD RAO, J**

31.08.2020  
MS