

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
CRIMINAL PETITION No.5270 of 2021

ORDER:-

This Criminal Petition is directed against the proceedings issued by the Superintendent of Police Cum Confiscation Authority under Section 46(2) of the A.P. Excise Act, 1968, Kurnool, to furnish certain documents, which are enumerated in the said proceedings for the purpose of proceeding further on the application filed by the petitioner for interim custody of the vehicle. As per the said proceedings, the petitioner was also directed to furnish Fixed Deposit Receipt equivalent to the value of the vehicle.

Now, the petitioner being aggrieved by the same, is before this Court.

As can be seen from the proceedings, it is not a final order passed by the competent authority under Section 46(2) of the A.P. Excise Act, 1968 (for short 'the Act'). Only direction to the petitioner was given to furnish certain documents to proceed further on his application to release the vehicle towards interim custody to him. The petitioner can as well approach the authority under Section 46(2) of the Act and make a request not to insist for production of FDR if he feels that it is onerous condition. The authority may or may not consider the same. If the same is not considered and if any final order is passed insisting to furnish FDR, then the petitioner can approach this

Court assailing the same. Therefore, this petition is purely a premature petition.

In view of the above, this Criminal Petition is disposed of with a direction to the petitioner to approach the competent authority with a request not to insist to furnish FDR and if any final order is passed imposing any such condition, the petitioner is at liberty to approach this Court.

Miscellaneous petitions, if any pending, in the Criminal Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 20.09.2021
AKN

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