

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER**

WRIT PETITION NO: 5571 OF 2022

Between:

Mahalingappa, S/o Nagendrappa, Aged about 35 years, Occ. Business, R/o. Haligara
TQ and District, Yadgir, Karnataka State.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Home Department,
Secretariat, Hyderabad.
2. The Superintendent of Police, Narayanpet District, Telangana.
3. The Station House Officer, P.S, Makthal, Narayanpet Dist. TS.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue appropriate orders more particularly one in the nature of Writ of Mandamus declaring the act of the Respondent No.3 for not producing the Toyota Etios Car of 2017 model bearing No. KA 51AA6455 seized on 23-10-2021 in crime No. 196 of 2021 of P.S Makthal before the JFCM, Narayanpet as illegal, arbitrary

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to give custody of the Toyota Etios Car of 2017 model bearing No. KA 51AA6455 seized on 23/10/2021 in crime No. 196 of 2021 of P.S Makthal to the Petitioner on verification and identification of the owner of the vehicle

Counsel for the Petitioner : SRI M.VIJAYA KUMAR GOUD

Counsel for the Respondents : AGP FOR HOME

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.5571 of 2022

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

"..to issue appropriate orders more particularly one in the nature of Writ of Mandamus declaring the act of the Respondent No.3 for not producing the Toyota Etios Car of 2017 model bearing No. KA 51AA6455 seized on 23.10.2021 in crime No.196 of 2021 of P. S. Makthal before the JFCM, Narayanpet as illegal, arbitrary and pass such other order or orders..."

2. Heard both sides. Perused the record.
3. It is brought to the notice of this Court by the learned Assistant Government Pleader for Home that the subject vehicle is the subject matter of Crime No.196/2021 of Makthal Police Station, Narayanpet, registered for the offence under Section 379 of IPC and the same is produced before the Magistrate concerned.
4. The said submissions of the learned Assistant Government Pleader for Home are taken on record.
5. Since there was registration of a Crime and production of subject vehicle in the subject crime, it cannot be held that the subject vehicle was illegally seized by the respondent-police. It is pertinent to state that in view of the mandate under Section 451 Cr.P.C., when any property is produced before any criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending

the conclusion of the inquiry or trial. Under these circumstances, it is left open to the petitioner to work out the remedies, in terms of the mandate under Section 451 Cr.P.C., before the Magistrate concerned.

6. With the above observation, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-M.MANJULA
ASSISTANT REGISTRAR


SECTION OFFICER

To

1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
2. The Superintendent of Police, Narayanpet District, Telangana.
3. The Station House Officer, P.S, Makthal, Narayanpet Dist. TS.
4. One CC to Sri M.Vijaya Kumar Goud, Advocate [OPUC]
5. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies
7. One Spare Copy

Kj.
NPJ



HIGH COURT

DATED:03/02/2022

ORDER

WP.No.5571 of 2022



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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