



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

[3396]

**WEDNESDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

CRIMINAL PETITION No. 4105/2024

Between:

1. BHUKYA NARESH, S/O VALYA, AGED ABOUT 28 YEARS, R/O 2-85, LACHYATHANDA, TEKULAPALLI VILLAGE, KHAMMAM(OLD), ALLURI SITHA RAMA RAJU DIST.

...PETITIONER/ACCUSED

AND

1. THE STATE OF ANDHRA PRADESH, STATION HOUSE OFFICER (SUB INSPECTOR), YETAPAKA POLICE STATION, ALLURI SITHA RAMARAJU DIST., REP. BY PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH AT AMARAVATI.
2. JATOTH SAI KUMAR BHUKYA SAI NARESH, S/O. SEVYA @ VALYA, AGED ABOUT 21 YEARS, R/O. DASUTHANDA OF TEKULAPALLI MANDAL, BHADRADRI KOTHAGUDEM, TELANGANA STATE.
3. LUNAVATH KALYAN, S/O. BICHA, AGED ABOUT 20 YEARS, R/O. LAKSHMI THANDA, SURYAPET MANDAL, TELANGANA STATE.
4. KORRA KRISHNA S/O RAMU ABSCONDING, RESPONDENTS 2 TO 4 ARE FORMAL PARTIES AND HENCE NO NOTICES NEED TO BE SENT)
5. MAGMA FINANCE CORPORATION LTD, REPRESENTED BY MANAGER, 1ST FLOOR, D.NO.11-3-74, WYRA ROAD, KHAMMAM - 507001. TELANGANA STATE. RESPONDENT NOS.2 TO 5 ARE IMPEADED AS PER THE COURT ORDER DATED 04.07.2024 IN I.A.NO.3 OF 2024 IN CRL.P.NO.4105 OF 2024.

...RESPONDENT/COMPLAINANT(S):

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to set aside/Quash the order of the Court of the I Additional Sessions Judge, East Godavari at Rajamahendravaram, dated 13-07-2023 passed in CrI.Mp.No.1059/2023 in Cr.No.09/2022 of Yetapaka P.S, Alluri Sitha Rama Raju District and pass

Counsel for the Petitioner/accused:

1.PUTTY MOUNICA

Counsel for the Respondent/complainant(S):

1.PUBLIC PROSECUTOR

The Court made the following:**ORDER:**

The instant Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973¹ has been filed, by the Petitioner/3rd party/Owner of the Vehicle, seeking to set aside the order dated 13.07.2023 passed in CrI.M.P.No.1059 of 2023 in connection with Crime No.9 of 2022 of Yetapaka Police Station, East Godavari District.

Heard learned counsel for the Petitioner and Ms.K.Priyanka Lakshmi, learned Assistant Public Prosecutor appearing for respondent No.1/State. Perused the material on record.

Learned counsel for the Petitioner would submit that the Petitioner is the owner of the Maruthi Brezza car bearing No.TS 04 ER 5657. On the pretext of transporting Ganja by A.1 and A.2 which is supplied by A.3, in the said car, Police on reliable information inspected the scene, caught hold the accused and seized the subject car under the cover of mediator's report and registered the subject crime against A.1 to A.3. Learned counsel would submit that the Petitioner/3rd party filed a petition *vide* CrI.M.P.No.1059 of 2023 seeking interim custody of the subject car. Learned I Additional Sessions Judge, East Godavari at Rajahmundry *vide* Order 13.07.2023 dismissed the said Petition observing as under:

¹. For short 'the Code'

"... the trial Court shall decide whether any article or thing seized under this Act is liable for confiscation under Sec.60,61 or 62 irrespective of the result of the case i.e., whether accused is convicted or acquitted or discharged. Such order of confiscation shall be passed after one month of seizure only giving notice and opportunity to the owner of the vehicle."

Learned counsel would submit that the said order is impugned in this Criminal Petition. Further, Petitioner is the owner of the subject vehicle and he is innocent of the offence, he never gave the vehicle for transporting ganja and he is not arrayed as accused to the case. Learned counsel would submit that the court may pass appropriate orders.

Learned Assistant Public Prosecutor would submit that the Court may pass appropriate orders.

Having regard to the submissions and a perusal of the material on record including the order impugned, this Court is of the view that the matter requires reconsideration.

In that view, this Criminal Petition is allowed. The impugned order dated 13.07.2023 passed in CrI.M.P.No.1059 of 2023 in connection with Crime No.9 of 2022 of Yetapaka Police Station, East Godavari District is set aside and the matter is remanded back to the trial Court for reconsideration and dispose of the same according to law.

Pending applications, if any, shall stand closed.

DR.JUSTICE VENKATA JYOTHIRMAI PRATAPA

*Mjl/**

HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Crl.P.No. 4105 of 2024

10.09.2025

*Mjl /**