

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3088 OF 2015

ORDER:

The petitioner-Accused-owner of the stock preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order dated 7.12.2015 passed in C.F.R. No.7277 of 2015 in Crime No.697 of 2015-16 by the I Additional Judicial First Class Magistrate, Nuzvid.

Heard and perused the material available on record.

When the petitioner approached the Court below with the impugned application seeking release of 215 bags of black jaggery (each bag contains 50 kgs) seized in the above referred Crime, the Court below vide impugned order returned the impugned application. Hence, the petitioner filed this revision.

Learned Counsel for the petitioner submitted that the trial Court has got jurisdiction to direct the authorities concerned to release the stock and that the value of the seized stock will be diminished if it is kept idle in the premises of Prohibition & Excise station.

Admittedly, black jaggery seized in above referred crime is not prohibited article under any law and its possession is also not barred by provisions of any Statute.

Considering these circumstances, interim custody of 215 bags of black jaggery (each bag contains 50 kgs) seized in above referred crime shall be given to the petitioner on condition of the petitioner furnishing a Bank Guarantee for a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the satisfaction of the I Additional Judicial First Class Magistrate, Nuzvid, Krishna District.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 10.12.2015

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