

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2318 OF 2015

ORDER:

The petitioner-owner of the stock preferred the present Criminal Revision Case by invoking the provision under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order dated 6.10.2015 passed in CrI.M.P.No.5758 of 2015 in COR No.921 of 2015-16 by the Special Judicial Magistrate of First Class (Prohibition & Excise Cases) Khammam.

Heard and perused the material available on record.

When the petitioner approached the Court below with the impugned application under Section 457(1) Cr.P.C. seeking release of 20 bags of black jaggery (each bag contains 50 kgs) seized in the above referred Crime, the Court below vide impugned order dismissed the impugned application on the ground of jurisdiction. 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 they are 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 20 bags of black jaggery (each bag contains 50 kgs) seized in above referred crime shall be given to the interim custody of the petitioner on condition of his executing a personal bond for a

sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition & Excise Cases), Khammam.

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

JUSTICE RAJA ELANGO

Dated: 9.10.2015

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