

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2487 of 2015

ORDER

-

Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 14-10-2015 passed in C.F.R.No.2125 of 2015 in C.O.R.No.289 of 2015-16 by the learned Judicial Magistrate of First Class at Yellandu.

2. Heard and perused.

3. When the petitioner approached the trial Court with the impugned application under Section 457 Cr.P.C. seeking release of 7000 Kgs of alum seized in C.O.R.No.289 of 2015-16 of Yellandu Prohibition and Excise Station, the learned Magistrate vide impugned order returned the same on the ground that the trial Court has no jurisdiction to entertain the impugned application.

4. Learned counsel for the petitioner submitted that the value of the seized stocks will be diminished if they are kept idle in the premises of the Excise Station.

5. Admittedly, alum seized from the possession of the petitioner in the above referred crime is not prohibited article under any law and its possession is also not barred by the provisions of any Statute.

6. Considering the facts and circumstances, the

seized

7000 Kgs of alum in the above referred crime shall be entrusted to the interim custody of the petitioner on petitioner's execution of a personal bond for Rs.35,000/- (Rupees Thirty five thousand only) with one surety for the like sum to the satisfaction of the trial Court.

7. Accordingly, the Criminal Revision Case is allowed.

8. Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

29th October, 2015

skmr