

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1121 OF 2015

-

ORDER:

This Criminal Revision Case is filed against docket order, dated 16.06.2015, passed in CrI.M.P.No.889 of 2015 in Cr. No.38/2015 of P.S., Eturnagaram, Warangal (U) District, by the Judicial Magistrate of First Class, Mulugu.

The brief facts of the case are that on reliable information, the Sub-Inspector of Police of P.S., Eturnagaram along with his staff, while conducting vehicle checking at about 1.00 p.m., found one lorry coming in suspicious circumstances and stopped the same and when they checked the lorry, they found black jaggery and alum bags, which is used for manufacturing ID liquor. In the presence of mediators, the police seized the contraband and the vehicle and arrested the accused. Thereafter, the police registered the above said crime for the offence under Section 7 (A) read with 8 (E) of the A.P. Prohibition Act. The petitioner claiming to be the owner of jaggery and alum filed CrI.M.P. No.889 of 2015 before the Judicial Magistrate of First Class, Mulugu for interim custody of the contraband. The Court below rejected the said application through the impugned order on the ground of jurisdiction. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below has erred in rejecting the application of the petitioner and the petitioner is a licence holder to do business in selling jaggery and alum and he purchased the same under valid bills. He further submitted that since the property is perishable in nature, it would get damaged if it is not used and the petitioner is ready and willing to furnish sufficient surety and therefore, he prays for release of the property.

Learned Public Prosecutor also submitted that the case property can be released to the petitioner by imposing certain conditions.

Having regard to the facts and circumstances of the case and also in view of the submission of the learned Public Prosecutor, this Court is of the view that the case property can be released to the petitioner for his interim custody.

In the circumstances, the respondents are directed to release the case property i.e. black jaggery and alum, seized by the Police, P.S., Eturunagaram, Warangal District, in Cr No.38 of 2015, to the interim custody of the petitioner, subject to the final orders being passed in the main case, on his executing a personal bond for Rs.3,00,000/- (Rupees three lakhs only). This order will not stand in the way of the respondents to proceed with the confiscation proceedings.

Accordingly, the Criminal Revision Case is disposed of. The Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 26, 2015.
KTL