

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1791 OF 2015

ORDER:

This Criminal Revision Case is filed against the order, dated 14.08.2015, passed in C.F.R. No.3041 of 2015 in Crime No.958 of 2014-15, by the I-Additional Judicial Magistrate of First Class, Huzurabad.

The brief facts of the case are that 09.02.2015 at 5-45 hours, while the Sub-Inspector of Police, Elkathurthy, conducting patrolling at Indiranagar Bus stage, Elkathurthy Mandal, he found A1 in illegal possession of black jaggery and alum. The police arrested A1 and seized the property and registered a case in Crime No.23 of 2015 for the offence under Section 34(e) of A.P. Excise Act and handed it over to the Prohibition and Excise Station, Huzurabad. The petitioner – A2 filed an application before the I-Additional Judicial Magistrate of First Class, Huzurabad, for release of the seized stock, stating that he is the owner of the said stock. The learned Magistrate returned the said application on the ground of jurisdiction. Hence, this revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is having licence for selling the black jaggery and alum and 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 for release of the stock.

Learned Public Prosecutor also submitted that interim custody of the stock can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, the respondent is directed to

release the stock i.e. black jaggery and alum seized in Crime No.958 of 2014-15 to the petitioner for interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.30,000/- (Rupees thirty thousand only). This order will not stand in the way of the respondent to proceed with confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

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

RAJA ELANGO, J

August 28, 2015.
KTL