

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2418 OF 2015

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ORDER:

The petitioner filed 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 30.09.2015 passed in CrI.M.P. No.540 of 2015 in COR No.466 of 2015-16 (of Excise Police, Mulug), by the Judicial Magistrate of First Class, Mulug, Warangal District.

Heard and perused the material available on record.

When petitioner approached the Court below with impugned application seeking release of the seized property in the above crime i.e., 8,500 kgs., of black jaggery and 90 kgs., of alum, the learned Magistrate, vide impugned order, dismissed the same on the ground of jurisdiction.

Learned Counsel for the petitioner submitted that the Court below has jurisdiction to entertain the above CrI.M.P. and direct the authorities concerned to release the property and that the value of the seized property will be diminished if it is kept idle in the premises of Prohibition & Excise station.

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

Considering these circumstances, interim custody of 8,500 kgs., of black jaggery and 90 kgs., of alum seized in the above referred crime shall be entrusted to the interim custody of the petitioner on his execution of a personal bond for a sum of Rs.2,00,000/- (Rupees two lakhs only) to the satisfaction of the Judicial Magistrate of First Class at Mulug, Warangal District.

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

RAJA ELANGO, J

November 02, 2015

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