

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2751 of 2015

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ORDER

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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 returned endorsement dated 12-11-2015 passed in C.F.R.No.2502 of 2015 in P.R.No.802 of 2015-16 by the I Additional Judicial Magistrate of First Class at Kothagudem.

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 10000 Kgs of black jaggery seized in P.R.No.802/2015-16, the learned Magistrate returned the same for want of jurisdiction.

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, black jaggery 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 of the case, the seized 10000 Kgs of black jaggery 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.2,00,000/- (Rupees Two Lakhs 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

23rd November, 2015

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