

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

Case No. Crl.R.C. No.1412 of 2015

Between:

Potla Upender Rao S/o.Rajaiah

... Petitioner/Appellant (s)

and

The State of Telangana,
rep. by Public Prosecutor,
High Court at Hyderabad for
the State of Telangana and
the State of Andhra Pradesh

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 24.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

- 1 Whether Reporters of Local newspapers may be Yes/No
allowed to see the Judgments?
- 2 Whether the copies of judgment may be marked Yes/No
to Law Reports/Journals
- 3 Whether Their Ladyship/Lordship wish to see the Yes/No
fair copy of the Judgment?

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1412 OF 2015

ORDER:

This Criminal Revision Case is filed against docket order, dated 05.01.2015, passed in Crl.M.P. No.1 of 2015 in CC No.39 of 2013 by the Judicial Magistrate of First Class, Yellandu, arising out of Crime No.110 of 2012 of Tekulapally Police Station, Khammam.

The brief facts of the case are that on receipt of information about sale of black jaggery and alum, the Head Constable of PS., Tekulapally, along with his staff proceeded to the godown bearing H.No.1-39/1, Besides Main Road, and inspected the said godown. They found A1, who is working as a clerk, in the said shop. On search of the shop, the police found black jaggery and alum, which is useful for preparation of ID liquor. On enquiry, A1 stated that the petitioner – A2 is the owner of that godown and he used to bring the black jaggery and alum and sell the same to the customers by storing in godown through him. Thereafter, the police seized 30 bags of jaggery and 80 bags of alum, each containing 50 kgs., in the presence of two panchas and arrested the accused. The above said crime was registered by the police for the offences punishable under Sections 34 (e) of A.P. Excise Act.

The petitioner-accused No.2 filed an application before the Judicial Magistrate of First Class, Yellandu, for interim custody of the black jaggery and alum. 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 submitted that the petitioner is the owner of the stock seized, that he is doing business in selling black jaggery and alum and he purchased the said stock under valid bills and the said black jaggery and the alum are meant to be used for agriculture purpose. 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 stock.

Learned Public Prosecutor also submitted that interim custody of the black jaggery can be granted to the petitioner by imposing certain conditions, but for release of alum, he raised objection.

Considering the facts and circumstances of the case, the respondent is directed to release 30 bags of black jaggery each containing 50 kgs., seized in Crime No.110 of 2012 of Tekulapally Police Station, 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.10,000/- (Rupees ten thousand only).

As far as release of alum (80 bags each containing 50 kgs.), which was seized in the above crime, is concerned, the petition is dismissed.

This order will not stand in the way of the respondent to proceed with the confiscation proceedings.

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

RAJA ELANGO, J

July 24, 2015.

KTL