

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1354 of 2015

ORDER

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Petitioner preferred the present Criminal Revision Case by invoking the provision under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 30.06.2015 passed in Crl.M.P.No.135 of 2015 in Cr.No.328 of 2015 by the learned Special Judicial Magistrate of First Class for Prohibition and Excise Cases at Warangal.

2. Heard.

3. When the petitioner approached the trial Court with the impugned application under Section 457 Cr.P.C. seeking release of 3000 kgs of black jaggery seized in Cr.No.328 of 2015 of Prohibition and Excise Station, Hanamkonda, the learned Magistrate vide impugned order returned the same on the ground that the trial Court has no jurisdiction to entertain the impugned application.

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 Prohibition & Excise Station.

5. Admittedly, black jaggery seized from the possession of the petitioner 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.

6. Considering the facts and circumstances, the seized 3000 kgs of black jaggery in the above referred crime shall be entrusted to the interim custody of the petitioner on his execution of a personal bond for Rs.60,000/- (Rupees sixty thousand only) to the satisfaction of the trial Court.

Accordingly, the Criminal Revision Case is allowed.

7. Miscellaneous petitions filed in this revision, if any, shall stand

closed.

16th July, 2015
skmr

JUSTICE RAJA ELANGO