

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1245 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 01.07.2015, passed in CFR No.2248 of 2015 in Cr. No.97 of 2015, by the Judicial Magistrate of First Class, Narasampet.

The brief facts of the case are that on reliable information about illegal possession of black jaggery and alum, the ASI of Police, Duggondi Police Station, along with his staff, reached Gobriya tanda, where they found one person in illegal possession of black jaggery and alum and on enquiry he told that he used to supply the same to the ID liquor manufacturers of Ajmeera area. Immediately, they went to Ajmeera and found five persons preparing ID liquor illegally. The police conducted panchanama and seized the contraband and the vehicles and arrested the accused and registered the above said crime for the offence under Section 34 (e) of AP Excise Act and Section 5 of the GUR (Jaggery) Regulation use order, 1968. The petitioner – A-1, who claims to be the owner of jaggery and alum, filed an application before the Judicial Magistrate of First Class, Narasampet, for interim custody of the 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 Court below has erred in rejecting the application of the petitioner and the petitioner is a licence holder to do business in selling jaggery and alum and he purchased the same under valid bills. 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 property.

Learned Public Prosecutor also submitted that the case property can be released to the petitioner by imposing certain conditions.

Having regard to the facts and circumstances of the case and also in view of the submission of the learned Public Prosecutor, this Court is of the view that the case property can be released to the petitioner for his interim custody.

In the circumstances, the respondents are directed to release the case property i.e. black jaggery and alum, seized by the Police, P.S., Duggondi, in Cr. No.97 of 2015, to the interim custody of the petitioner, subject to the final orders being passed in the main case, on his executing a personal bond for Rs.1,30,000/- (Rupees one lakh thirty thousand only). This order will not stand in the way of the respondents to proceed with the confiscation proceedings.

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

RAJA ELANGO, J

July 13, 2015.
KTL