

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.2509 of 2014

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), aggrieved by the order dated 04-12-2014 passed in CrI.M.P.No.3983 of 2014 on the file of the Additional Junior Civil Judge, Chirala, Prakasam District in Cr.No.235 of 2014 of Chirala I Town Police Station,

The facts in issue are as under: -

The petitioner herein filed an application under Section 457 Cr.P.C. seeking interim custody of the fire crackers seized. The case of the prosecution is pursuant to the information that the petitioner was in possession and selling explosives without having any valid licence, the Sub-Inspector of Police along with his staff raided the premises on 23-10-2014 and found the petitioner selling the crackers without licence. It is stated that during the course of investigation, the investigating agency seized 2532 types of fire crackers boxes approximately worth Rs.1.00 lakh.

The application filed by the petitioner seeking interim custody of the said stocks was rejected by the trial Court. Aggrieved by the same, the present Revision is filed.

Learned counsel for the petitioner submits that the petitioner is not having valid licence as on the date of search as his application for renewal was pending as on that date.

Learned Public Prosecutor seriously disputed the said fact but however submits that there are no rival claimants to the stocks seized.

A perusal of the material placed before the Court would show that the licence, which was given to the petitioner was expired. Thereafter, the petitioner made an application before the Mandal Revenue Officer (M.R.O.), Chirala seeking renewal of the licence. Pending the said application, the Sub-Inspector of Police along with his staff has made search on 23-10-2014 and seized the stock lying in the shop. The trial Court rejected the application on the ground that the petitioner was not having a valid licence. As seen from the record, the application filed by the petitioner for renewal of licence was pending consideration before the M.R.O. as on the date of said search and seizure.

In view of the above, interim custody of the stock of crackers which are seized in Cr.No.235 of 2014 of Chirala I Town Police Station shall be given in favour of the petitioner on his furnishing bank guarantee for Rs.1.00 lakh to the satisfaction of Additional Junior Civil Judge at Chirala, Prakasam District. It is made clear that during trial, the petitioner shall not dispute the nature, quality, quantity and type of crackers seized.

Accordingly, the Criminal Revision Case is allowed.

As a sequel, Miscellaneous Petitions, if any, pending in this Revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

27-01-2015

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