

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1307 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 23.06.2015, passed in CrI.M.P. No.116 of 2015 in PR No.868 of 2014-15 by the I-Additional Judicial Magistrate of First Class, Kothagudem.

The brief facts of the case are that on credible information, the Sub-Inspector of Police, Prohibition & Excise Station, Kothagudem, conducted raid at the outskirts of Bush at Mylaram and found the accused in possession of black jaggery of 20 bags each containing 50 kgs., and two bags of alum each containing 25 kgs., and arrested the accused and seized the stock. Thereafter, the police registered the above said case for the offence under Section 34(e) of the A.P. Excise Act. The petitioner, who claims to be the owner of the seized stock, filed an application before the I-Additional Judicial Magistrate of First Class, Kothagudem, for interim custody of the stock. 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 submits that the petitioner is the owner of the black jaggery and alum, that he is doing business in black 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 interim custody of the stock can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, the respondent is directed to release the stock i.e. black jaggery and the alum seized in PR No. 868 of 2014-15 of Prohibition & Excise Station, Kothagudem, 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.20,000/- (Rupees twenty thousand only). This order will not stand in the way of the respondent to proceed with the confiscation proceedings.

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

RAJA ELANGO, J

July 13, 2015.
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