

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.991 of 2015

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ORDER

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The 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 08.06.2015 passed in C.F.R.No.1835 of 2015 in C.O.R.No.528/2014-15 on the file of the Judicial Magistrate of First Class at Narsampet.

2. Heard learned counsel for the petitioner and learned Public Prosecutor for the State.

3. The impugned application was filed under Section 457 Cr.P.C. seeking to release 2000 Kgs of black jaggery in 40 bags containing 50 Kgs each seized in C.O.R.No.528/2014-15 of Prohibition & Excise Station, Gudur. By the order impugned, the said application was dismissed 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 stock 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 these circumstances, the seized black jaggery i.e., 2000 Kgs, in the above referred crime shall be released to the petitioner for interim custody on his

executing a personal bond for a sum of Rs.40,000/- (Rupees Forty Thousand only) before the trial Court.

7. The Criminal Revision Case is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

18th June, 2015

sj