

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C. No.1979 of 2015

ORDER :

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Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 26-08-2015 passed by the Deputy Commissioner of Prohibition and Excise – 2nd respondent herein in Rc.No.364/2015/A7.

The brief facts of the case are as follows :

The petitioner herein earlier filed Crl.R.C.No.1303 of 2015 before this Court and this Court by order dated 30-07-2015 passed the following order :

“Considering these circumstances, the respondents are directed to release the stock i.e., black jaggery seized in Crime No.335 of 2015-16 of Prohibition & Excise Station, Chinthalapudi 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.3,40,000/- (Rupees three lakhs forty thousand only). This order will not stand in the way of the respondents to proceed with the confiscation proceedings.”

Though this Court clearly directed to release the stock on petitioner executing a personal bond for Rs.3,40,000/-, the 2nd Respondent by the impugned order dated 26-08-2015 directed the S.H.O. concerned to obtain FDR for Rs.3,40,000/- from the owner. Aggrieved by the same, the present Criminal Revision Case is filed.

Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor

and having perused the material available on record, this Court is of the view that the 2nd Respondent has erroneously passed the impugned order directing the S.H.O. concerned to obtain FDR for Rs.3,40,000/- from the owner.

Accordingly, the Criminal Revision Case is allowed setting aside the order dated 26-08-2015 passed by the

2nd Respondent in Rc.No.364/2015/A7, with a direction to release the stock concerned to the petitioner for interim custody on petitioner's executing a personal bond for Rs.3,40,000/- (Rupees Three Lakhs Forty Thousand only).

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

JUSTICE RAJA ELANGO

14th September, 2015

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