

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.2921 of 2015

ORDER:

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of code of Criminal Procedure (for short, 'Cr.P.C.') being aggrieved by the returned endorsement dated 19.11.2015 passed in C.F.R. No.2519 of 2015 in COR No.439 of 2015-16 by the Judicial Magistrate of First Class, Devarakonda.

Heard and perused the material available on record.

Petitioner herein filed an application under Section 457 Cr.P.C before the Court below seeking release of the stock i.e., 1000 kgs black jaggery in 20 gunny bags, each bag containing 50 kgs, which was seized in the above crime and the same was returned on the ground that the stock in question was not deposited before the Court below.

Learned counsel for the petitioner submitted that the Court below ought to have allowed the petition by directing the respondent to release the stock by imposing certain conditions; that the petitioner expressed his readiness to furnish third party surety; that the Court below ought to have seen that the black jaggery is an agricultural produce and there is no law prohibiting sale, purchase and transport of the same and hence, he prays to release the stock.

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.

Considering these circumstances, interim custody of 1000 kgs of black jaggery in 20 gunny bags, each containing 50 kgs., seized in the above referred crime shall be granted to the petitioner on his execution of a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety for a like sum to the

satisfaction of the Judicial Magistrate of First Class, Devarakonda, Nalgonda District. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

M.S.K JAISWAL, J

November 30, 2015

YVL