

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1202 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 16.06.2015 passed in C.F.R.No.2848 of 2015 in Cr.No.53 of 2015-16 on the file of the Special Judicial First Class Magistrate for Prohibition and Excise, Kakinada.

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 12,900 Kgs of black jaggery. 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 Police Station.

5. Admittedly, the aforesaid stocks seized from the possession of the petitioner in the above referred crime are not prohibited articles under any law and their possession is also not barred by the provisions of any Statute.

6. Considering these circumstances, the entire seized stock 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.1,30,000/-
(Rupees one lakh thirty 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

2nd July, 2015

sj