

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Case No. Crl.R.C. No.1398 of 2015

Between:

Gourishetty Srinivas S/o.Devaiah

... Petitioner/Appellant (s)

and

The State of Telangana,
through S.H.O., Bachannapet Police Station,
Warangal District, rep. by Public Prosecutor,
High Court, Hyderabad and another

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1398 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 15.07.2015, passed in Crl.M.P. No.410 of 2015 by the Additional Judicial Magistrate of First Class, Jangaon, arising out of Crime No.72 of 2015 of Bachannapet Police Station, Warangal.

The brief facts of the case are that while the Head Constable of PS., Bachannapeta conducting patrolling duty along with a constable, intercepted one TATA Xenon RX Pick bearing Reg.No.AP 21 TX 3524 and found 25 quintals of black jaggery and one plastic bag with 20 kgs., of alum and 5 litres of illicit liquor in a can. When they questioned the driver of the van, he stated that he is bringing the said stock from Siddipet on the instructions of his owner i.e. the petitioner. It was further stated that there is no government permission for the said stock. Immediately, the police secured the presence of mediators and seized the stock and the vehicle and arrested the accused. Thereafter, the police registered the above said crime for the offences punishable under Sections 7(A), 8(E) of A.P. Prohibition Act and 34(A) of A.P. Excise Act. The petitioner-accused No.2, who is claiming to be the owner of the stock, filed an application before the Additional Judicial Magistrate of First Class, Jangaon, for interim custody of the black jaggery. 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 submitted that the petitioner is the owner of the black jaggery, that he is doing business in selling black jaggery and he purchased the said stock 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 black jaggery.

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 respondents are directed to release the stock i.e. 25 quintals of black jaggery, seized in Crime No.72 of 2015 of Bachannapet Police Station, Warangal, 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.45,000/- (Rupees forty five thousand only). This order will not stand in the way of the respondents 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 23, 2015.
KTL