THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1302 OF 2015

ORDER:

This Criminal Revision Case is filed against order, dated 22.06.2015, passed in Crl.M.P. No.3304 of 2015 in C.C. No.243 of 2015, by the Judicial Magistrate of First Class, Tiruvuru, arising out of Crime No.141 of 2014 of A.Konduru Police Station, Krishna district.

The brief facts of the case are that on reliable information, the Sub-Inspector of Police, along with staff rushed to mango Garden, Ramachandrapuram village and found a lorry bearing No.AP 16 TU 5148 and two persons getting down the bags and on seeing the police, they tried to escape. On search of the lorry, the police found 310 bags of black jaggery, each containing 50 kgs. The police after conducting panchanama, seized the contraband, the lorry and registered the above said crime for the offence under Section 34 (e) of AP Excise Act. The petitioner, who is claiming to be the owner of black jaggery, filed an application before the Judicial Magistrate of First Class, Tiruvur, for interim custody of the stock. 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 submits that the petitioner is the owner of the black jaggery and alum, that he is running a kirana shop in name of Deepika Enterprises, and he is doing business in black jaggery. 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 property.

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 respondent is directed to release the stock i.e. black jaggery seized in Crime No.141 of 2014 of P.S., A. Kondur, 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.5,00,000/- (Rupees five lakhs only). This order will not stand in the way of the respondent 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 13, 2015.
KTL