

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1784 OF 2015

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ORDER:

This Criminal Revision Case is filed against the returned endorsement, dated 12.08.2015, passed in CFR No.2838 of 2015 in Crime No.194 of 2015, by the Judicial Magistrate of First Class, Narsampet.

The brief facts of the case are that during the course of vehicle checking by the Sub-Inspector of Police, Narasampeta, along with his staff, they found one auto trolley was kept aside and the driver ran away. On search, they found 22 bags of black jaggery each containing 20 kgs., and 80 kgs. of alum. Then, the police seized the said stock and the vehicle and registered a case in Crime No.194 of 2015 for the offence under Section 34(e) of the A.P. Excise Act and Section 5 of GUR Jaggery Regulation Use Order, 1968. The petitioner-A2, filed an application before the Judicial Magistrate of First Class, Narasampet, for release of the seized stock stating that he is the owner of the same. The learned Magistrate returned the said application on the ground of jurisdiction. Hence, this revision.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is running a Kirana Shop in the name and style of "Hari Kiranam" and he purchased the same 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 for release of the stock.

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. black jaggery and alum seized in Crime No.194 of 2015 of Narasampet Police Station, Warangal District, 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.22,000/- (Rupees twenty two thousand only). This order will not stand in the way of the respondents to proceed with 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, pending if any, shall stand closed.

RAJA ELANGO, J

August 28, 2015.
KTL