

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2981 OF 2015

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ORDER:

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The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the order dated 27.11.2015 passed in C.F.R.No.5507 of 2015 in P.R.No.820 of 2015 by the Court of the Judicial First Class Magistrate, Nirmal, Adilabad District, whereby the learned trial Judge returned the petition filed by the petitioner for release of the black jaggery for want of jurisdiction.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petition filed by him before the Court below for release of the stocks seized, is returned. Learned counsel further submits that the black jaggery is not prohibitory item under the provisions of the Prohibition and Excise Act.

Considering the facts and circumstances of the case, this Court directs the Police Station concerned to release the black jaggery alone to the petitioner herein on producing a bank guarantee of Rs.30,000/- (Rupees thirty thousand only) to the satisfaction of the Judicial Magistrate of First Class, Nirmal, Adilabad District. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings. The petitioner is entitled for return of the Bank Guarantee after completion of the trial.

With the above direction, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

03.12.2015

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