

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.443 of 2015

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ORDER:

This revision is filed by the petitioner-owner of the property against the order dated 9.12.2014 passed by the Judicial First Class Magistrate, Sathupalli, Khammam District, in Crl.M.P.No.877 of 2014 in Crime No.168 of 2014.

The petitioner filed the above Crl.M.P. under Section 457 Cr.P.C. before the learned Magistrate seeking to release the property viz., Ashok Ley Land Dosth Van bearing registration No.AP 20 TB 7603. The learned Magistrate dismissed the said application. Hence, the petitioner filed the present revision.

Heard and perused the material available on record.

Admittedly, the petitioner is the owner of the property. It is stated that the vehicle in question was used without knowledge of the petitioner and the petitioner has not involved in any offence.

The learned Magistrate dismissed the application on the ground that the Court of Judicial Magistrate for First Class has no jurisdiction to pass any orders in the said application and the District Collector is the competent authority to pass any orders for return of the property involved in the cases registered under the Essential Commodities Act.

As the order of the learned Magistrate is in accordance with law, this Court is inclined to interfere with the order under revision. However, considering the facts and circumstances of the case, the Criminal Revision Case is disposed of with the following direction:

“The petitioner is directed to file an application for return of the property in question before the District Collector concerned. On such application being filed, the District Collector concerned is directed to dispose of the same within a period of 15 days thereafter.”

Consequently, Miscellaneous petitions pending, if any, stand closed.

Justice Raja Elango

Dated: 2.6.2015

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