

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1074 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 19.06.2015, passed in CrI.M.P.(SR) No.1279 of 2015 in Cr. No.227 of 2015-16 of P.S., Achampet, by the Judicial Magistrate of First Class, Achampet, Mehbubnager District.

The brief facts of the case are that on reliable information, the S.H.O. of Prohibition & Excise Police Station, Achampet, along with his staff, conducted inspection at Sri Seetha Ramananjaneya Kirana & Jaggery Merchant, Uppunuthala Road, Achampet and found black jaggery and accordingly seized the said contraband and registered the above said crime against the petitioner – accused. The petitioner filed CrI.M.P. No.1279 of 2015 before the Judicial Magistrate of First Class for return of the seized property. 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 Court below has erred in rejecting the application of the petitioner and the petitioner is a licence holder to do business in selling jaggery 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 and therefore, he prays for release of the property.

Learned Public Prosecutor also submitted that the case property can be released to the petitioner by imposing certain conditions.

Having regard to the facts and circumstances of the case and also in view of the submission of the learned Public Prosecutor, this Court is of the view that the case property can be released to the petitioner for his interim custody.

In the circumstances, the respondents are directed to release the case property i.e. black jaggery, seized by the Police, P.S., Achampet, Mabubnagar District, in Cr No.227 of 2015, to the interim custody of the petitioner, subject to the final orders being passed in the main case, on petitioner executing a bond for Rs.3,00,000/- (Rupees three lakhs 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. The Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 24, 2015.
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