

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2470 of 2015

ORDER

Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the return endorsement dated 17-10-2015 passed in C.F.R.No.5974 of 2015 in Cr.No.290 of 2014 on the file of the Judicial Magistrate of First Class (Special Court for the trial of Cases of Prohibition and Excise Offences) at Khammam, whereby the learned Magistrate returned the petition filed by the petitioner seeking to direct the Deputy Commissioner, Prohibition & Excise, Khammam for return of F.D.R. under receipt of No.268830 for Rs.1,35,000/- drawn at Andhra Bank, Khammam by passing the order for third party surety for the property released.

The learned counsel for the petitioner submits that the petitioner is suffering from cardiac problem and the Doctors have opined for conduct of open heart surgery and the petitioner is in dire necessity of funds to meet the medical expenses. He further submits that as the petitioner is ready to furnish third party surety, no prejudice will be caused to Respondents even if the F.D.R. is returned.

Heard and perused.

Considering the facts and circumstances of the case,
Deputy Commissioner, Prohibition & Excise, Khammam –

02nd Respondent herein is directed to return F.D.R. under Receipt No.268830 for Rs.1,35,000/- drawn at Andhra Bank, Khammam to the petitioner on furnishing one third party surety for the said amount to the satisfaction of the 2nd Respondent.

Accordingly, the Criminal Revision Case is allowed.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

29th October, 2015

skmr