

**THE HON'BLE SRI JUSTICE RAJA ELANGO**

**Crl.R.C.No.1291 of 2015**

**ORDER**

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The 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 docket dated 23-06-2015 passed in Crl.M.P. No.115 of 2015 in P.R. No.686 of 2014-15 by the I Additional Judicial Magistrate of First Class at Kothagudem.

2. Heard and perused.

3. When the petitioner approached the trial Court with the impugned application under Section 457 Cr.P.C. seeking release of 2300 Kgs of black jaggery seized in P.R.No.686 of 2014-15, the learned Magistrate vide impugned order returned the same on the ground that the trial Court has no jurisdiction to entertain the impugned application.

4. Learned counsel for the petitioner submitted that the value of the seized stocks will be diminished if they are kept idle in the premises of Prohibition & Excise Station.

5. Admittedly, black jaggery seized from the possession of the petitioner in the above referred crime is not prohibited article under any law and its possession is also not barred by the provisions of any Statute.

6. Considering the facts and circumstances, the

seized

2300 Kgs of black jaggery in the above referred crime shall be entrusted to the interim custody of the petitioner on petitioner's execution of a personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with one surety for the like sum to the satisfaction of the trial Court.

7. Accordingly, the Criminal Revision Case is allowed.

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

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JUSTICE RAJA ELANGO

27<sup>th</sup> August, 2015

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