

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2162 of 2015

ORDER:

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the returned endorsement dated 08.09.2015 passed in C.F.R. No.2519 of 2015 in PCOR No.570 of 2015-16 by the Judicial Magistrate of First Class at Wanaparthy.

Heard and perused the material available on record.

Petitioner herein filed the impugned application under Section 451 of the Code of Criminal Procedure before the Court below seeking to release the stock i.e. 30 bags of black jaggery, each containing 50 kgs., seized in the above crime, which was returned by the Court below vide impugned order on the ground of jurisdiction. Challenging the same, present revision is filed.

Learned Counsel for the petitioner submitted that the Court below has jurisdiction to entertain the above Crl.M.P. and direct the authorities concerned to release the stocks and that the value of the seized stock will be diminished if it is kept idle in the premises of Prohibition & Excise station.

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

Considering these circumstances, interim custody of 30 bags of black jaggery, each containing 50 kgs., seized in the above referred crime shall be entrusted to the petitioner on his execution of a personal bond for a sum of Rs.30,000/- (Rupees Thirty thousand only) to the satisfaction of the Judicial Magistrate of First Class at Wanaparthy.

However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J

October 05, 2015

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