

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.1851 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 order dated 19-08-2015 passed in Crl.M.P.No.294 of 2015 in P.R.No.466 of 2015-16 by the learned Special Judicial Magistrate of First Class for Prohibition and Excise Cases at Warangal.

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 12000 Kgs. of black jaggery seized in Crime No.466/15-16 of Excise Police Station, Wardhannapet, the learned Magistrate vide impugned order dismissed 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 stock will be diminished if it is kept idle in the premises of Police Station.

5. 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.

6. Considering the facts and circumstances, the seized 12000 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.2,40,000/- (Rupees Two lakhs forty 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.

JUSTICE RAJA ELANGO

03rd September, 2015

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