

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO.393 of 2015

ORDER:

Upon hearing the learned counsel for petitioner, at the admission stage, the petition is ordered as follows:

It is seen that the offence alleged in this case are under Sections 3 r/w 7 of Essential Commodities Act, 34(e) of A.P. Excise Act, 1968 and 3 of GUR (Regulation of Use) Order, 1968. The grievance of the petitioner is that he is the licensed holder and owner of the property i.e., black jaggery of 75 bags, each bag containing 50 Kgs, worth Rs.62,500/- and the police have seized the property and kept in the premises of Jangaon Police Station, Warangal District and it is subjected to speedy decay and the learned Judicial First Class Magistrate, Jangaon, Warangal District, returned his petition filed under Section 457 Cr.P.C on an erroneous ground that he has no jurisdiction to entertain the petition.

Having regard to the fact that the offences alleged are under Sections 3 r/w 7 of Essential Commodities Act, 34(e) of A.P. Excise Act, 1968 and 3 of GUR (Regulation of Use) Order, 1968 and as per Section 46 of the Excise Act, the Deputy Commissioner of Prohibition and Excise is the competent authority to pass an order for confiscation /release and interim custody etc., the petitioner is directed to file a petition seeking interim custody of the property seized and the Deputy Commissioner of Prohibition and Excise shall pass an order on merits thereon within one week from the date of filing of the petition before him.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

U.DURGA PRASAD RAO,J

06-02-2015
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Dt. 06.02.2015

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