

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1300 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 03.07.2015, passed in CFR No.3432 of 2015 by the Judicial Magistrate of First Class, Thorrur, arising out of Cr. No.52 of 2015 of Rayaparthi Police Station.

The brief facts of the case are that while conducting patrolling duty at A.K. Thanda village on 16.06.2015 at 3.30 hours, the Sub-Inspector of Police and his staff found one lorry bearing registration No. AP 16 TV 3677 along with A1 and A2, in suspicious circumstances, and on seeing the police, A1 was absconded. On search, the police found 320 gunny bags of black jaggery, each bag containing 50 kgs., and 2 plastic bags of Alum, each containing 50 kgs. The police after conducting panchanama, seized the contraband, lorry bearing No. AP 16 TV 3677 and registered the above said crime for the offence under Section 34 (e) of AP Excise Act. The petitioner-accused No.1 claiming that he is the owner of black jaggery and alum, filed an application before the Judicial Magistrate of First Class, Thorrur, for interim custody of the stock. The Court below rejected the said application through the impugned order on the ground of jurisdiction. Hence, this revision case is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner is the owner of the black jaggery and alum, that he is doing business in black jaggery and alum, that he purchased the said stock under valid bills. He further submitted that since the property is perishable in nature, it would get damaged if it is not used and the petitioner is ready and willing to furnish sufficient surety and therefore, he prays for

release of the property.

Learned Public Prosecutor also submitted that interim custody of the stock can be granted to the petitioner by imposing certain conditions.

Considering these circumstances, the respondents are directed to release the stock i.e. black jaggery and alum seized in Crime No.52 of 2015 of P.S., Rayaparthi, to the petitioner for interim custody, subject to the final orders being passed in the main case, on petitioner executing a personal bond for Rs.3,40,000/- (Rupees three lakhs forty thousand only). This order will not stand in the way of the respondents to proceed with the confiscation proceedings.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

July 13, 2015.
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