

**THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL**

**CRIMINAL REVISION CASE No.2922 of 2015**

**ORDER:**

The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of code of Criminal Procedure (for short, 'Cr.P.C.') being aggrieved by the returned endorsement dated 23.11.2015 passed in C.F.R. No.5401 of 2015 in PCOR No.734 of 2015-16 by the Judicial Magistrate of First Class, Jadcherla.

Heard and perused the material available on record.

Petitioner herein filed an application under Section 451 Cr.P.C before the Court below seeking to release the stock i.e., 16,640 kgs of jaggery, which was seized in the above crime, was returned by the Court below vide impugned order on the ground that the stock in question was not deposited before the Court below.

Learned counsel for the petitioner submitted that the Court below ought to have allowed the petition by directing the respondent to release the stock by imposing certain conditions though the petitioner expressed his readiness to furnish third party surety; that the Court below ought to have seen that the jaggery is an agricultural produce and there is no law prohibiting sale, purchase and transport of jaggery and hence, he prays to release the stock.

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 16,640 kgs of jaggery, seized in the above referred crime shall be entrusted to the petitioner on his execution of a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) to the satisfaction of the Judicial Magistrate of First Class, Jadcherla. 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.

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**M.S.K JAISWAL, J**

**November 30, 2015**

**YVL**