

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2729 of 2015

ORDER:

This criminal Revision Case is filed by the petitioner, under Sections 397 and 401 of Criminal Procedure Code, against order dated 09.10.2015 passed in C.F.R. No.693 of 2015 in Cr.No.57 of 2012 by the Principal Judicial Magistrate of First Class, Mahabubabad.

Heard and perused the material available on record.

The case in brief is that the petitioner was accused in Crime No.57 of 2012 on the file of the Mahabubabad Town Police Station. The police seized the stocks from the shop of the petitioner. The petitioner approached this Court and filed WP No.8176 of 2012 for release of the seized stocks. This Court disposed of the said WP directing the Deputy Commissioner of Prohibition and Excise, Warangal - 2nd respondent to release the stocks of the petitioner on his furnishing a bank guarantee for Rs.1,50,000/-. Accordingly, the petitioner furnished bank guarantee for the said amount in favour of the 2nd respondent. Thereafter, the petitioner approached this Court by filing Crl.P. No.6811 of 2014 for quashing the proceedings against him in the above FIR. The said criminal petition was allowed and the proceedings against the petitioner were quashed. The petitioner approached the Judicial Magistrate of First Class, Mahabubabad, for return of the bank guarantee, executed by him, for Rs.1,50,000/-. The Court below returned the said application by endorsing that the said Court has no jurisdiction. Aggrieved by the said order, the present revision is filed.

As per the orders of this Court, the petitioner furnished bank guarantee in favour of the 2nd respondent. Therefore, the petitioner has to approach the 2nd respondent by filing an application for return of the said bank guarantee.

Learned counsel for the petitioner submitted that the petitioner had already approached the 2nd respondent and filed a representation before the 2nd respondent and the same is pending from July 2015 and a direction may be given to the 2nd respondent to dispose of the said application expeditiously.

In view of the said submission, the 2nd respondent is directed to dispose of the representation filed by the petitioner for return of the bank guarantee for Rs.1,50,000/-, as expeditiously as possible, preferably, within a period of one month from the date of receipt of a copy of this order.

With the above direction, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any pending, shall stand closed.

RAJA ELANGO, J

November 16, 2015.

KTL