

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1248 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 01.07.2015, passed in CFR No.2247 of 2015 by the Judicial Magistrate of First Class, Narsampet, arising out of Cr. No.97 of 2015 of Duggondi Police Station.

The brief facts of the case are that on reliable information about illegal possession of black jaggery and alum, the ASI of Police, Duggondi Police Station, along with his staff, reached Gobriya thanda, where they found one person in illegal possession of black jaggery and alum and on enquiry he told that he used to supply the jaggery and alum to the ID liquor manufacturers of Ajmeera area. Immediately, the police went to Ajmeera and found five persons preparing ID liquor illegally. The police conducted panchanama and seized the contraband, one lorry bearing No.AP 23 W 2401 and one Tata Ace Trolley bearing No.AP 36 X 7975 and arrested the accused and registered the above said crime for the offence under Section 34 (e) of A.P. Excise Act and Section 5 of the GUR (Jaggery) Regulation Use Order, 1968. The petitioner, who claims to be the owner of lorry, filed an application before the Judicial Magistrate of First Class, Narsampet, for interim custody of the lorry. 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 vehicle, that the Court below has erroneously dismissed the application of the petitioner and if the vehicle is exposed to sun and rain and is kept idle, it would get damaged. He further

submits that the petitioner is ready and willing to furnish sufficient surety for release of the vehicle.

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

Considering these circumstances, the respondents are directed to release the vehicle i.e. lorry bearing registration No. No.AP 23 W 2401 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.2,00,000/- (Rupees two lakhs only) and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle or change its physical features till the disposal of the criminal case and further he shall undertake to produce the vehicle as and when required by the Court concerned. 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.
KTL