

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1017 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 08.06.2015, passed in CrI.M.P.No.1010 of 2015 in Crime No.327 of 2014 of Narsampet Police Station, Warangal District, by the Judicial Magistrate of First Class, Narsampet.

The brief facts of the case are that on a complaint made by the de facto complainant that the petitioner is in possession of black jaggery and alum and is selling the same to the ID liquor manufacturers, the police seized the property and registered the above said crime against the petitioner for the offence under Section 34(e) of A.P. Excise Act and 5 of GUR (jaggery) Regulation use order. Subsequently, the petitioner filed CrI.M.P. No.1010 of 2015 before the Judicial Magistrate of First Class, Narsampet. The Court below rejected the said application through the impugned docket 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 Court below erred in returning the application of the petitioner and the petitioner is running a Kirana Shop and he is a licence holder to do business in selling the jaggery and alum and he purchased the same 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 the case property can be released to the petitioner by imposing certain conditions.

Having regard to the facts and circumstances of the case and also in view of the submission of the learned Public Prosecutor, this Court is of the view that the case property can be released to the petitioner for his interim custody.

In the circumstances, the respondents are directed to release the case property i.e. black jaggery and alum, seized by the Police, Narsampet, Warangal District, in Crime No.327 of 2014, to the interim custody of the petitioner, subject to final orders being passed in the main case, on his executing a personal bond for Rs.80,000/- (Rupees eighty 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. The Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 19, 2015.
KTL