

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1303 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 08.07.2015, passed in CFR No.2570 of 2015 by the Judicial Magistrate of First Class, Chinthalapudi, arising out of Cr. No.335 of 2015-16 of Prohibition & Excise Police Station, Chinthalapudi.

The brief facts of the case are that on credible information about selling of black jaggery, the Sub-Inspector of Police, Chinthalapudi police station, along with his staff, raided the shop of the petitioner and seized 637 bags of black jaggery, each containing 50 kgs., and registered a case in crime No.119 of 2015 for the offence under Section 13 (1)(F) read with 34(2) of A.P. Excise Act, 1968. Subsequently, the Chinthalapudi police transferred the said case to the Proh.& Excise Station, Chinthalapudi, who in turn re-registered a case in crime No.335/2015-16. The petitioner-accused No.1, claiming to be the owner of black jaggery, filed an application before the Judicial Magistrate of First Class, Chinthalapudi, 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 black jaggery and he is doing business in selling the black jaggery. 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 seized in Crime No.335 of 2015-16 of Prohibition & Excise Station, Chinthalapudi, 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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