

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1940 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order dated 02.09.2015

passed in C.F.R.No.2154 of 2015 in Crime No.135 of 2015 on the file of the Special Judicial First Class Magistrate for Prohibition and Excise Cases at Warangal, whereby the learned trial Judge returned the petition filed by the petitioner for release of the black jaggery for want of jurisdiction.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petition filed by him before the Court below for release of the stocks seized, is returned,

on the ground that the said Court has no jurisdiction. Learned counsel further submits that the black jaggery is not prohibitory item under the provisions of the Prohibition and Excise Act.

Considering the facts and circumstances of the case, this Court directs the Court below to release the black jaggery alone to the petitioner herein on execution of personal bond of Rs.4,40,000/- (Rupees four lakh and forty thousand only) with one surety to the satisfaction of the Magistrate concerned. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

With the above direction, the Criminal Revision Case is disposed

of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

10.09.2015
pln