

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1134 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 19.06.2015, passed in CrI.M.P. No.1147 of 2015 in Crime No.60 of 2015 of Nekkonda Police Station, by the Judicial Magistrate of First Class, Narasampet.

The brief facts of the case are that on reliable information, the Head Constable of Nekkonda Police station along with other constables, rushed to Kondle Venkatanarayana shop and found one person in possession black jaggery and alum and on seeing them, the said person was escaped from there. On enquiry, the local persons stated that the said person was indulged in selling black jaggery and alum. On conducting search, they found 23 kgs., of balck jaggery and 6 tonnes of alum stored in an adjacent room. In the presence of panchas, the contraband was seized. On the basis of the panch report, the above said crime was registered. The petitioner, who is the accused, filed an application in CrI.M.P. No.1147 of 2015 before the Judicial Magistrate of First Class, Narasmpet, for interim custody of the case property, claiming that he is the owner of the case property and he is doing business of jaggery under valid licence. The trial Court 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 submitted that the Court below has erred in rejecting the application of the petitioner and the petitioner is a running a Kirana shop and he has licence to do business in selling the jaggery and alum and he purchased the same from the under valid bills. He further submitted that since the property

is perishable in nature, it would get damaged if it is not used and also the petitioner is ready and willing to furnish sufficient surety and therefore, he prays for release of the property.

Learned Additional 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 relief sought for by the petitioner can be accepted.

Accordingly, the Criminal Revision Case is allowed and it is directed that the case property i.e. black jaggery and alum, seized by the Police, Nekkonda in Crime No.60 of 2015, shall be released to the petitioner for interim custody, subject to final orders being passed in the main case, on the petitioner executing a personal bond for Rs.2,00,000/- (Rupees two lakhs thousand only). This order will not stand in the way of the respondent to proceed with the confiscation proceedings.

The Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 26, 2015.

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