

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.932 OF 2015

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ORDER:

This Criminal Revision Case is filed against docket order, dated 09.06.2015, passed in CFR No. 1502 of 2015 in Crime No.114 of 2015 of Kallur Police Station, by the Judicial Magistrate of First Class, Sathupalli.

The brief facts of the case are that on reliable information, the Sub-Inspector of Police, Kalluru along with his staff, rushed to Vachya Naik Thanda village on 02.06.2015 and found one auto bearing No.AP 20 TC 5431 transporting 10 gunny bags of black jaggery and one bag alum each containing 50 kgs., and apprehended the auto driver and on interrogation, he stated that he is the owner cum driver of the auto and he is supplying the said jaggery and alum to the ID Liquor manufacturers. On confession of A1, the other accused also apprehended and a large quantity of the contraband was seized from the other three accused also. The petitioner herein filed an application 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 submits that the Court below erred in returning the application of the petitioner and the petitioner is a licence holder to do business in selling the jaggery and alum and he purchased the same from the Agricultural Market Committee. He further submitted that since the property is perishable in nature, it would be 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 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, Kalluru in Crime No.114 of 2015, shall be released to the petitioner, subject to final orders to be passed at the time of disposal of main case, on his executing a personal bond for Rs.1,50,000/- (Rupees one lakh and fifty thousand only).

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

RAJA ELANGO, J

June 15, 2015.
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