

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3195 OF 2015

ORDER:

The petitioner-Accused-owner of the stock preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved over the order dated 15.12.2015 passed in CrI.M.P.No.6488 of 2015 in C.O.R.No.1178 of 2015-16 by the Special Judicial Magistrate of First Class (Prohibition & Excise Cases), Khammam.

Heard and perused the material available on record.

When the petitioner approached the Court below with the impugned application seeking release of 100 bags of black jaggery (each bag contains 50 kgs) and 10 bags of alum (each bag contains 40 kgs) seized in the above referred Crime, the Court below vide impugned order dismissed the impugned application. Hence, the petitioner filed this revision.

Learned Counsel for the petitioner submitted that the trial Court has got jurisdiction to direct the authorities concerned to release the stock and that the value of the seized stock will be diminished if it is kept idle in the premises of Prohibition & Excise station.

Admittedly, black jaggery and alum seized in above referred crime are not prohibited articles under any law and their possession is also not barred by provisions of any Statute.

Considering these circumstances, interim custody of 100 bags of black jaggery (each bag contains 50 kgs) and 10 bags of alum (each bag contains 40 kgs) seized in above referred crime shall be given to the petitioner on condition of the petitioner furnishing a Bank Guarantee of 1/4th value of the said stock to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases), Khammam.

Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions filed in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 21.12.2015

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