

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2098 OF 2015

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ORDER:

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1. The petitioner filed 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 15.09.2015 passed by the Special Judicial First Class Magistrate (Prohibition & Excise Cases), Khammam, in Crl.M.P.No.5633 of 2015 in Crime No.850 of 2015-16.

2. Heard and perused the material available on record.

3. When the petitioner approached the Court below with the impugned application seeking release of the seized property in the above crime i.e., 30 bags of black jaggery, each bag containing 50 kgs, and 5 bags of alum, each bag containing 50 kgs, the learned Magistrate vide impugned order dismissed the application on the ground that the said Court has no jurisdiction to entertain the said application.

4. Learned Counsel for the petitioner submitted that the Court below has jurisdiction to entertain the above Crl.M.P. and direct the authorities concerned to release the stocks and that the value of the seized stocks will be diminished if they are kept idle in the premises of police station concerned.

5. Admittedly, black jaggery and alum seized from the possession of the petitioner in the above referred crime is not prohibited article under any law and its possession is also not barred by the provisions of any Statute.

6. Considering the circumstances of the case, interim custody of 30 bags of black jaggery and 5 bags of alum seized in the above referred crime shall be entrusted to the interim custody of the petitioner on condition of the petitioner executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the Magistrate concerned.

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

JUSTICE RAJA ELANGO

Date : 22.09.2015

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HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2098 OF 2015

DATED: 22.9.2015

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