THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.355 OF 2016

ORDER:

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 23.01.2016 passed in Crl.M.P. No.8 of 2016 in Crime No.2 of 2016 by the Judicial Magistrate of First Class, Manthani.

Heard and perused the material available on record.

When petitioner approached the Court below with impugned application under Section 457 Cr.P.C. seeking release of seized property in the above crime i.e., 105 quintals and 75 kgs., of black jaggery, the learned Magistrate vide impugned order dismissed the same on the ground of jurisdiction.

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 seized stock and that the value of the seized stock will be diminished if it was kept idle in the premises of Prohibition & Excise station.

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

Considering these circumstances, the interim custody of 105 quintals and 75 kgs., of black jaggery seized in the above referred crime shall be entrusted to the interim custody of the petitioner on his execution of a personal bond for a sum of Rs.2,11,500/- (Rupees two lakhs eleven thousand and five hundred only) to the satisfaction of the

Judicial Magistrate of First Class at Manthani.

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

RAJA ELANGO, J

February 05, 2016
KTL