

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.379 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 02.02.2016 passed in C.F.R.No.234 of 2016 in Crime No.47 of 2016 by the Additional Judicial Magistrate of First Class, Husnabad.

Heard and perused the material available on record.

When petitioner approached the Court below with impugned application under Section 451 Cr.P.C. seeking release of seized property in the above crime i.e., 18.00 tonnes of black jaggery, the learned Magistrate vide impugned order returned the same on the ground that the said stock was not deposited before that Court.

Learned Counsel for the petitioner submitted that the Court below has jurisdiction to entertain the above CrI.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, interim custody of 18.00 tonnes 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.4,00,000/- (Rupees four lakhs only) to the satisfaction of the Additional Judicial Magistrate of First Class at

Husnabad.

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

RAJA ELANGO, J

February 04, 2016
KTL