

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL PETITION No. 13358 of 2016

ORDER:

This Criminal Petition under Section 482 Cr.P.C., is filed seeking to quash the proceedings in Crime No. 179 of 2016 on the file of Station House Officer, Police Station, Maripeda, Warangal District, including the order dated 23.08.2016 passed by the learned I Additional Judicial First Class Magistrate, Thorrur, Warangal District rejecting the CrI.M.P.SR.No. 2914 of 2016 filed by the petitioner for release of the seized goods, and for a consequential direction to release the seized goods under the aforesaid crime.

It is alleged that the petitioner is claimed to be the owner of 548 bags of rice each 25 Kgs and 4 bags of rice each 50 Kgs, totally 139 quintals. On 05.08.2016, the Assistant Supply Officer, Mahabubabad, along with Vigilance, Enforcement and Civil Supplies Department officials jointly inspected the Sri Sai Srinivasa Rice Industries, at Abbaipalem village, Maripeda Mandal, Warangal District and seized the rice suspecting that the said rice kept for public distribution is illegally stored. A case in Crime No. 179 of 2016 for the offence punishable under Section 420 IPC and Sections 7 and 8 of EC Act was registered and the same is pending investigation. Thereafter the petitioner filed CrI.M.P.SR.No. 2914 of 2016 before the Court of learned Judicial First Class Magistrate, Thorrur, Warangal District for release of

the seized goods and the same was rejected on the ground of lack of jurisdiction. Hence the present Criminal Petition.

Having heard the learned counsel appearing for the petitioner/Accused and the learned Additional Public Prosecutor, representing the State, it is obvious that specific allegations were made against the petitioner/Accused in the complaint. This is a matter which requires investigation by the police. The truth or otherwise of the allegations can only be decided during course of investigation or trial. I see no ground to interdict the investigation at this stage and quash the first information report.

Alternatively, the petitioner is claiming release of the seized stock. Trite to state, continued detention and seizure of the goods do not advance any purpose or interest of the respondent/State. The interest of the respondent/State can be protected by directing that the seized goods of the petitioner be released subject to certain conditions. In the circumstances, the Criminal Petition is disposed of directing release of the seized goods/139 quintals of rice to the petitioner on his furnishing personal security for Rs.50,000/- together with one third party surety in the like sum to the satisfaction of the concerned Magistrate.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 19th September, 2016.
Note: CC in two days
(BO) Msnr_x

