

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.3329 OF 2015

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ORDER:

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The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the docket order dated 28.12.2015 passed in C.F.R.No.8398 of 2015 in crime No.342 of 2015-16 by the Court of the VI Additional Judicial Magistrate of First Class, Rajahmundry, whereby the learned trial Judge returned the petition filed by the petitioner for release of the black jaggery for want of jurisdiction.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petition filed by him before the Court below for release of the stocks seized, is returned, on the ground that the said Court has no jurisdiction to entertain such petition. Learned counsel further submits that the black jaggery is not prohibitory item under the provisions of the Prohibition and Excise Act.

Considering the facts and circumstances of the case, this Court directs the Police Station concerned to release the black jaggery alone to the petitioner herein on execution of personal bond of Rs.5,000/- (Rupees five thousand only) with one surety to the satisfaction of the VI Additional Judicial Magistrate of First Class, Rajahmundry. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

With the above direction, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

05.01.2016

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