

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.149 OF 2016

ORDER:

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 order, dated 04.01.2016, passed in CrI.M.P.No.6591 of 2015 in C.O.R.No.641 of 2015-16 by the Court of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam, whereby the learned Judge dismissed the petition filed by the petitioner for release of black jaggery for want of jurisdiction.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously dismissed the petition filed by the petitioner for release of the black jaggery for want of jurisdiction.

Learned Additional Public Prosecutor opposed for the same.

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 for a sum of Rs.15,000/- (Rupees fifteen thousand only) with one surety to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam. 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

20.01.2016

pln