

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.1926 OF 2016

ORDER:

The present revision is filed under Sections 397 read with 401 Cr.P.C. questioning the return endorsement dated 20.06.2016 passed in C.F.R.No.2878 of 2016 in Crime No.100 of 2016-2017 on the file of the Judicial Magistrate of First Class, Paderu.

Without going into the maintainability of the revision against the said proceedings, the issue that arises for consideration is whether this Court can order release of the vehicles which were seized in an Excise Offence.

Learned Public Prosecutor submits that it is only Deputy Commissioner of Excise, is the appropriate authority to deal with the release of vehicles involved in excise offences.

An identical issue came up for consideration before this Court in *K.Sasi Kumar v. State of Andhra Pradesh*¹, wherein it has been held that the appropriate authority for releasing the vehicle seized under the provisions of Excise Act is the Deputy Commissioner of Excise.

¹ (2015) 1 ALD (CrL.) 272

In view of the judgment referred and having regard to the facts and circumstances of the case, the Criminal Revision Case is dismissed, giving liberty to the petitioner to approach the appropriate authority.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.09.2016
gkv

