

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.348 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 27.01.2016 passed in C.F.R. No.317 of 2016 in Cr. No.870 of 2015-16 by the Judicial Magistrate of First Class, Jaggaiahpetta.

Heard and perused the material available on record.

When petitioner approached the Court below with impugned application under Section 457 Cr.P.C. seeking release of seized property in the above crime i.e., 58 bags each containing 50 kgs., of black jaggery and 170 bags each containing 50 kgs., of alum, the learned Magistrate vide impugned order returned dismissed the same on the ground of jurisdiction.

Learned Counsel for the petitioner submitted that the Court below has jurisdiction to entertain the above application 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, the interim custody of 58 bags each containing 50 kgs., of black jaggery and 170 bags each containing 50 kgs., of alum, 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.60,300/- (Rupees sixty thousand and three hundred only) to the satisfaction of the Judicial Magistrate of First Class at Jaggaiahpeta.

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

February 05, 2016
KTL

RAJA ELANGO, J