

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2407 OF 2016

ORDER:

The petitioner filed the present Criminal Petition by invoking the provisions under Section 482 of the Code of Criminal Procedure, seeking to quash the order, dated 08.02.2016 in C.F. No.30 of 2016 in Crime No.6 of 2016 on the file of Judicial Magistrate of First class, Suryapet, Nalgonda District.

Heard and perused the material available on record.

When petitioner approached the Court below with impugned application seeking release of the seized property in the above crime i.e., 90 bags of black jaggery (50 kgs., each), the learned Magistrate, vide impugned order, dismissed the same on the ground of jurisdiction.

Learned Counsel for the petitioner submitted that the Court below has jurisdiction to entertain the above CrI.M.P. and direct the authorities concerned to release the property and that the value of the seized property will be diminished if it is kept idle in the premises of Prohibition & Excise station.

Admittedly, the seized property 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, interim custody of 90 bags of black jaggery (50 kgs., each), seized in the above referred crime, shall be entrusted to the interim custody of the petitioner on his execution of bank guarantee for a sum of Rs.90,000/- (Rupees ninety thousand only) to the satisfaction of the Judicial Magistrate of First Class, Suryapet, Nalgonda District.

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

RAJA ELANGO, J

February 25, **2016**.
KTL