

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.43 of 2016

ORDER

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Petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the returned endorsement dated 04-01-2016 passed in C.F.R.No.8 of 2016 in COR No.1051 of 2015-16 by the Judicial Magistrate of First Class at Narsampet.

2. Heard and perused.

3. When the petitioner approached the trial Court with the impugned application under Section 457 Cr.P.C. seeking release of 720 kgs. of black jaggery and 5 kgs of alum seized in COR No.1051 of 2015-2016, the learned Magistrate vide impugned order returned the same for want of jurisdiction.

4. Learned counsel for the petitioner submitted that the value of the seized stocks will be diminished if they are kept idle in the premises of the Excise Station.

5. Admittedly, black jaggery and alum seized from the possession of the petitioner in the above referred crime are not prohibited articles under any law and their possession is also not barred by the provisions of any Statute.

6. Considering the facts and circumstances, the seized 720 kgs. of black jaggery and 5 kgs of alum in the above referred crime shall be entrusted to the interim custody of the petitioner on petitioner's execution of a personal bond for Rs.10,000/- (Rupees Ten Thousand only) with one surety for

the like sum to the satisfaction of the trial Court.

7. Accordingly, the Criminal Revision Case is allowed.

8. Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

06th January, 2016

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