

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1405 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 28.04.2016 passed in C.F.R.No.2047 of 2016 in COR No.91 of 2016 by the Judicial Magistrate of First Class, Wanaparthy.

Heard and perused the material available on record.

When petitioner approached the Court below with impugned application under Section 451 Cr.P.C. seeking release of seized property in the above crime i.e., 50 bags of black jaggery (each containing 30 kgs), the learned Magistrate vide impugned order returned the same.

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, 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, interim custody of 50 bags of black jaggery 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.10,000/- (Rupees ten thousand only) to the satisfaction of the Judicial Magistrate of First Class at Wanaparthy.

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

RAJA ELANGO, J

Date: 9th June, 2016

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