

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.2491 OF 2016

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ORDER:

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The petitioner has preferred the criminal petition by invoking the provisions under Section 482 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order dated 02.02.2016 passed in CrI.M.P.No.336 of 2016 by the Special Judicial Magistrate of First Class (Prohibition and Excise Cases) at Khammam, whereby the learned trial Judge dismissed the petition filed by the petitioner for release of the black jaggery for want of jurisdiction.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petition filed by the petitioner before the Court below for release of the stocks seized, is dismissed on the ground that the said Court has no jurisdiction to entertain such petition. Learned counsel further submits that the black jaggery is not prohibitory item under the provisions of the Prohibition and Excise Act.

Considering the facts and circumstances of the case, this Court directs the Police Station concerned to release the black jaggery alone to the petitioner herein on execution of personal bond of Rs.12,000/- (Rupees twelve thousand only) with one surety to the satisfaction of the Special Judicial Magistrate of First Class (Prohibition and Excise Cases), at Khammam. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

The Criminal Petition is disposed of. Consequently, the miscellaneous petitions pending in this petition, if any, shall stand closed.

JUSTICE RAJA ELANGO

25.02.2016

pln

