THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE NO.363 OF 2017

ORDER:

The revision petitioner is the first accused in Crime No.33 of 2016 of Ichapuram Town Police Station. The crime registered is from the facts that while at police patrolling, on interception of the vehicle carrying fire crackers, which has been on questioned from disclosure leading to discovery of the facts, in seizure of said fire crackers under cover of panchanama in the presence of mediators on 13.07.2016 at about 12 noon at Manyala Jagannadham Godown of Ichapuram, which seized items are as many as 48 varieties total 512 cartoons which are contained in packing boxes worth Rs.12,56,209/- and the crime registered pursuant there to is for the offences punishable under Section 286 of the Indian Penal Code and Section 9(B)(1)(b) of the Explosives Act, 1884 against two accused viz., Sri A.Pratap Kumar Pradhan (who is the revision petitioner) and Nitesh Kumar Agarwal (revision second respondent). The petition for interim custody of the seized stock sought for since ended in dismissal, in Crl.MP.No.243 of 2016 dated 23.01.2017, the revision is filed impugning the same.

According to the disclosure statements of them and from the police investigation and the panchanama contents supra with reference to the consignment notes of the respective stock, that were seized, according to the accused persons, it is in the transit destination kept at godown for non-availability of the transport vehicles. It is claimed that the stock belongs to as many as 25 persons who are all subsequently impleaded in the revision as respondents 3 to 28. Said persons also appeared before the Court representing through advocate in claiming the stock belongs to them and the accused persons are transporting under bailment the stock to reach the destination and it is in transit kept there was seized. As per the claim of all of them the stock is of speedy and natural decay and those are pursuant to the consignments and they also got license and they committed no offence and the stocks are to be released.

The Public Prosecutor also says that if any bank guarantee is furnished the stock can be released as those are all fire crackers for interim custody, so that if at all to confiscate, it is its value to be covered by bank guarantee to enforce.

Having regard to the above and by considering the same, the revision is allowed by setting aside the dismissal order dated 23.01.2017 in Crl.MP.No.243 of 2016, passed by the lower Court, and by allowing the same subject to the revision petitioner and revision respondents 2 to 28 together execute a combined bond on Rs.100/- stamp paper in favour of the Court undertaking to pay in the event of non-production of the stock not less than its value with interest at 12% per annum from today and for that to furnish security in the form of bank guarantee for Rs.13,00,000/- for the stock worth of Rs.12,56,209/- to confiscate the value to the State, if necessary, in passing final property order. The trial Court is directed hereby that while returning the stock, if necessary, can cover by video coverage pursuant to the order, to be used during trial. Miscellaneous petitions, if any, pending shall stand closed.

(Dr. B.SIVA SANKARA RAO, J)

22nd March 2017
RRB