THE HON'BLE DR JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE NO.687 OF 2017

ORDER:

Aggrieved by the order dated 20.10.2016 in Crl.MP.No.4554 of 2016 in Crime No.198 of 2015 of Kothapeta Police Station passed by the Judicial First Class Magistrate, Kothapeta, East Godavari District, this revision is filed by the accused.

The brief case of the revision petitioner is that on 30.10.2015 at 7.00 P.M., when the Sub-Inspector of Police and his staff conducted raid over his godown, they found different types of 2054 fire cracker boxes worth Rs.1,50,000/-, without having any license to store them. The Sub-Inspector of Police seized the same under the cover of mediators report and registered a case in Crime No.198 of 2015 of Kothapeta Police Station. The petitioner claims that he is having a valid license to run the business of selling crackers and other fire articles, which was renewed from time to time upto 2014-15. The petition for interim custody of the seized stock sought for since ended dismissal, in Crl.MP.No.4554 of 2016 dated 20.10.2016, the revision is filed impugning the same.

It is submitted by the learned counsel for the petitioner that as the petitioner got license, he has committed no offence and the stock is of speedy and natural decay, the stocks are to be released.

The learned Public Prosecutor submits 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, its value to be covered by bank guarantee to enforce.

Having regard to the above and by considering the same, the Criminal Revision Case is allowed by setting aside the order dated 20.10.2016 in Crl.MP.No.4554 of 2016 in Crime No.198 of 2015 of Kothapeta Police Station, passed by the Judicial First Class Magistrate, Kothapeta, East Godavari District, and by allowing the same subject to the revision petitioner executing a bond on Rs.100/- stamp paper in favour of the trial 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 for the stock worth of Rs.1,50,000/- in the form of bank guarantee for Rs.1,50,000/- 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, to be used during trial.

Miscellaneous petitions, if any, pending shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:24-03-2017
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