

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1820 OF 2019

O R D E R:

Petitioner asserts that his vehicle bearing No.TS 05 UB 6760 was seized by respondent No.3-Station House Officer, Palakaveedu Police Station, Nalgonda District on the ground of violation of the excise laws.

Learned counsel for the petitioner submits that after registering the F.I.R., respondent No.3 had surrendered the subject vehicle to the learned Judicial Magistrate of First Class, Huzurnagar.

Learned Government Pleader for Excise, by placing reliance on the judgment of this Court reported in **Banavathu Babu Vs. Government of Andhra Pradesh and others**¹, submits that the criminal Court has no jurisdiction to deal with the offences falling under Section 34 of the Telangana Excise Act read with Sections 45 and 46 of the Telangana Excise Act.

Having regard to the facts and circumstances of the case and as the subject vehicle has already been surrendered to the learned Judicial Magistrate of First Class, Huzurnagar, the writ petition is disposed of giving liberty to the petitioner to file an Application before the learned Magistrate seeking appropriate orders by placing reliance on the above referred judgment. As

¹ 2014 (6) ALD 380

and when such Application is filed, the learned Magistrate shall dispose of the same expeditiously.

Consequently, the miscellaneous petitions, if any shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:11.02.2019
kdl