

THE HON'BLE JUSTICE G.SRI DEVI

Criminal Revision Case No.677 of 2019

ORDER:

The Criminal Revision Case, under Sections 397 & 401 of Cr.P.C., is filed by the petitioner/A.1, questioning the docket order, dated 17.06.2019, passed in CrI.M.P.No.422 of 2019 in Crime No.78 of 2019 on the file of Judicial Magistrate of First Class at Huzurnagar.

Without going into the maintainability of the revision against the said docket order, the issue that arises for consideration is whether this Court can order release of the vehicles, which were seized in Excise offence/s.

Learned Public Prosecutor submits that the Deputy Commissioner of Excise is the appropriate authority to deal with the release of vehicles involved in Excise offences.

An identical issue came up for consideration before this Court in *K.Sasi Kumar v. State of Andhra Pradesh*¹, wherein it has been held that the appropriate authority for releasing the vehicle seized under the provisions of Excise Act is the Deputy Commissioner of Excise.

In view of the judgment referred *supra* and having regard to the facts and circumstances of the case, the Criminal Revision Case is dismissed. However, the petitioner/A.1 is granted liberty to file an application before the Deputy Commissioner of Excise

¹ (2015) 1 ALD (CrI.) 272

concerned seeking interim custody of the subject vehicle within a period of fifteen (15) days from today; and, in the event of the petitioner/A.1 filing such an application, the Deputy Commissioner of Excise concerned may dispose of the same, in accordance with law, after giving an opportunity to the petitioner/A.1 to putforth his case, within one (01) month thereafter.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

JUSTICE G.SRI DEVI

04th July, 2019
Bvv

