

HON'BLE SRI JUSTICE G.SRI DEVI

Criminal Revision Case Nos.722 and 730 of 2019

COMMON ORDER :

These two Criminal Revision Cases are preferred under Sections 397 and 401 of the Code of Criminal Procedure, 1973(for short, 'the CrPC') by the self-same petitioner. The CrI.R.C.No.722 of 2019 is preferred against the order, dt.16.05.2019 in CrI.M.P.No.1159 of 2019 in Cr.No.90 of 2019 and the other revision i.e. CrI.R.C.No.730 of 2019 is against the order, dt.26.06.2019 in CrI.M.P.No.1139 of 2019 in Cr.No.316 of 2018 of Gopalapuram Police Station passed by the X Addl.Chief Metropolitan Magistrate at Secunderabad.

The petition CrI.M.P.No.1159 of 2019 in Cr.No.90 of 2019 is filed under Section 451 read with 457 CrPC seeking interim custody of property i.e. 5 bags of Gyan skimmed milk powder each 25kgs; 7 bags of Sagar Skimmed milk powder each 25kgs; 14bags of Krishna skimmed milk powder each 25kgs; 5 bags of Dholapur fresh skimmed milk powder each 25 kgs; 1 bag of good day skimmed milk powder 25kgs; 2 bags of Murali skimmed milk powder each 25kgs; 2 bags of loose skimmed milk powder without name of 25kgs each; 1 bag of loose warana skimmed milk powder 25kgs; one electric weighing machine said to have seized by the police in this case from the possession of the petitioner/ accused.

The petition CrI.M.P.No.1139 of 2019 in Cr.No.316 of 2019 is filed under Section 451 read with 457 CrPC seeking to interim custody of property i.e. 6 bags of Gyan skimmed milk powder each 25kgs; 7 bags of Sagar Skimmed milk powder each 15kgs; 25bags of Krishna skimmed milk powder each 25kgs; 10 bags of Dholapur fresh skimmed milk powder each 25 kgs; 5 bags of sneha skimmed milk powder 25kgs; 1 bag of good day skimmed milk powder weighing 25kgs; 6 bags of Murali skimmed milk powder 25kgs each; 15 bags of Dholapur Krishna skimmed milk powder

each 25kgs each; 20 bags of loose skimmed milk powder without name of 25kgs each; 36 bales containing skimmed milk powder; one electric weighing machine; one weighing stone; one 1 kg. weighing stone; one 500grams weighing stone; one 200grams of weighing stone and one 100grams weighing stone; the said property was seized by the above police.

The trial Court after hearing both side, dismissed the CrI.M.P.No.1159 of 2019 whereas, partly allowed the CrI.M.P.No.1139 of 2019 by dismissing only with regard to return of milk powder.

Heard the learned counsel for the petitioner and the learned Addl.Public Prosecutor for the respondent/ State. Perused the material on record.

The learned counsel for the petitioner submits that the orders impugned herein are not legal, valid and amounts to material irregularity. In this case investigation is completed and charge sheet is filed. Keeping the goods which includes milk powder longer period will cause loss to the petitioner and even report of the Analyst reveals that the samples taken from the products are 'not unsafe'. The lower Court ought to have permitted the petitioner to return the substandard products of the companies supplied to him in order to reduce loss to him as the standard and substandard parameters are not codified. Hence, to prays interim custody of the property to the petitioner as prayed for to avoid loss to him.

A perusal of the analyst reports, State Food Laboratory, Hyderabad show that the products viz; Sagar skimmed milk power, Dolaphur fresh skimmed milk powder, Gyan skimmed milk powder and Murali skimmed milk powder are 'not unsafe'. In view of the above, I am inclined to grant

interim custody to the extent of the above properties only, to the petitioner with certain conditions.

Accordingly, these Criminal Revision Cases are disposed of by granting interim custody of the properties viz: Sagar skimmed milk power, Dolaphur fresh skimmed milk powder, Gyan skimmed milk powder and Murali skimmed milk powder only of the respective quantities as stated above in both the petitions, to the petitioner on condition that the petitioner shall execute third party security for Rs.40,000/- (forty thousand rupees only) before the Station House Officer, Gopalapuram Police Station in both the crimes viz: Cr.No.316 of 2018 and Cr.No.90 of 2019.

Miscellaneous petitions, if any, pending in these revisions shall stand closed.

25.09.2019
Vvr

JUSTICE G. SRI DEVI

