

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.1076 of 2019

ORDER :

This Criminal Revision Case is filed challenging the order, dated 21.08.2019 in CrI.M.P.No.171 of 2019 in Cr.No.76 of 2019 on the file of the Judl. Magistrate of I Class, Nalgonda.

2. The petitioner herein filed the above petition under Section 451 Cr.P.C. for return of the case property i.e., fish feed of 400 bags stating that police of Kanagal registered a case for the offence punishable under Section 420 r/w 34 IPC against the petitioner alleging that the petitioner has been dumping fish feed of 400 bags. In view of seizure of case property, he is unable to do business due to lack of funds.

3. The trial Court after considering the material available on record, dismissed the petition. Hence, this revision.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the property i.e., 400 bags of fish feed, which is perishable item and if the property is not returned, it will be damaged within few months and great hardship would be caused to the petitioner. Hence, he prays to return the property by imposing reasonable conditions.

5. On the other hand, learned Addl. Public Prosecutor representing the State submits that when the samples collected from the bags were sent to Fisheries

Department and Food Inspector for examination and report, it came to light that the petitioner mixed sand in 400 bags of fish food and the trial Court after considering the material, rightly dismissed the petition.

6. In view of the submissions made by both counsel and taking into consideration the fact that the petitioner is the owner of the property, which is not disputed by the learned Addl. Public Prosecutor and since the property i.e., fish feed is perishable item and if it is not disposed of within few months, the same will be damaged, I am inclined to release the property.

7. Therefore, the property i.e., fish feed of 400 bags shall be returned to the petitioner subject to condition of the petitioner furnishing security to the tune of Rs.2,00,000/- to the satisfaction of the Judl. Magistrate of I Class, Nalgonda. Further, the petitioner is directed to give an undertaking that he will not sell the fish feed to any of the customers during the pendency of the case.

8. Accordingly, the Criminal Revision Case is disposed of to the extent indicated above. Miscellaneous petitions, if any pending shall stand closed.

JUSTICE G.SRI DEVI

DATED: 25.09.2019.

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