

HONOURABLE JUSTICE G. SRI DEVI
CRIMINAL REVISION CASE No.85 of 2020

ORDER:

1. This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. aggrieved by the order dated 11.12.2019 passed by the learned Additional Judicial First Class Magistrate, Yellendu, Khammam District, in CrI.M.P.No.321 of 2019 in Crime No.175 of 2019.

2. By the impugned the order, the Court below dismissed the application filed by the petitioner seeking interim custody of the property i.e., Amber packs-19 bags, (each containing 10 packets and each packet has 25 pouches), which value at Rs.7,12,500/-, pending disposal of the case.

3. From a perusal of the record, it is evident that earlier, Criminal Petition No.7234 of 2019 filed by respondent Nos.1 and 2 herein/ accused Nos.1 and 2 seeking to quash the proceedings in Crime No.175 of 2019 on the file of Kamepally Police Station, Khammam District, was partly allowed by this Court, vide order dated 20.11.2019, whereby the proceedings in the aforesaid Crime in respect of the offences under Sections 270 and 273 IPC alone was quashed and the proceedings in respect of the offence punishable under Section 20(2) of the Cigarettes and other Tobacco Products Act, 2003, was directed to be proceeded with. Subsequently, the petitioner claiming to be the owner of the said property filed the present Criminal Petition seeking interim custody of the same before the court below.

4. In the impugned order, the Court below has observed that the petitioner has not filed any document to show that the said property belongs to him. More over, the seized bags contain Amber packets, which is a prohibited item and the investigation is stated to be still in progress. Hence, the Court below has rightly dismissed the application

filed by the petitioner seeking interim custody of the said property. In such circumstances, this Court does not find any illegality or irregularity whatsoever committed by the Court below in the impugned order to interfere with the same.

5. The Criminal Petition is accordingly dismissed at the admission stage.

6. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

24th January, 2020.
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JUSTICE G. SRI DEVI

