

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.15609 OF 2013

ORDER:

Heard the learned counsel appearing for the petitioners and learned Additional Public Prosecutor appearing for the respondents.

2. The present application is filed under Section 482 read with 457 CrPC seeking modification of the order dated 12.12.2013 passed in ECAC. No.201 of 2013 by the District Collector, Warangal, Warangal District, pending disposal of Criminal Appeal No.141 of 2013 on the file of Principal District and Sessions Judge, Warangal.

3. The facts in issue are as under :

The Civil Supplies Authorities intercepted a lorry bearing No.AP-16-TU-2316 and seized stock worth Rs.18,77,222/-. Pursuant to the said search and seizure, the Authorities initiated proceedings against the petitioners and others under Section 6-A of the Essential Commodities Act, 1955. After enquiry, the District Collector by his order dated 12.12.2013 ordered confiscation of 25% value of the seized stock i.e., Rs.4,69,305.50ps. in favour of the State Government and also released the vehicle by levying an amount of Rs.25,000/- as fine. Aggrieved by the said order, the petitioners herein filed Criminal Appeal No.141 of 2013 before the Principal District and Sessions Judge at Warangal. As the respondents 2 and 3 were pressurizing the petitioners to pay the value of the 25% confiscated stock, the petitioners filed Crl.M.P. (SR) No.4145 of 2013 seeking release of the stock on furnishing bank guarantee pending disposal of the appeal. The said application was returned on the ground of maintainability. Challenging the same, the present petition is filed.

4. A perusal of the material on record would indicate that the stock seized from the petitioners was kept in the custody of the third

parties during the course of enquiry under Section 6(c) of the Essential Commodities Act. Pursuant to the order passed by the District Collector, the respondents 2 and 3 are now insisting upon the petitioners to pay the value of the confiscation of the stock in favour of the State. Challenging the order, the petitioners herein preferred a statutory appeal under Section 6(c) of the Act and the same is pending.

5. The learned counsel for the petitioners mainly submits that since the appeal is nothing but continuation of the proceedings, it will be proper for the petitioners to pay 25% value of seized stock. He further submits that he is ready and willing to furnish suitable bank guarantee for the value of the stock ordered to be confiscated which will not cause any prejudice to the respondents.

6. Having regard to the facts and circumstances of the case and since the appeal filed by the petitioners is pending before the Court of Principal District and Sessions Judge at Warangal, it would be appropriate to order release of the confiscated stock seized vide order dated 12.12.2013 in E.C.A.C. No.201 of 2013 in file No.F1/2239/2013 on the file of District Collector, Warangal, in favour of the petitioners subject to furnishing bank guarantee to an extent of Rs.4,95,000/- which is 25% of the value of the confiscated stock pending disposal of Criminal Appeal No.141 of 2013 on the file of the Principal District and Sessions Judge, Warangal. The Bank guarantee shall be kept alive till the disposal of Criminal Appeal No.141 of 2013 on the file of the Principal District and Sessions Judge, Warangal.

7. Accordingly, the criminal petition is disposed of with the above direction.

As a sequel to it, miscellaneous petitions pending if any in this criminal petition, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 31.12.2013
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