

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. REVISION APPLICATION NO. 237 OF 2015

M/s. Future Agrovat Limited ... Applicant.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Kochrekar i/by Prakash V. Varghese, Advocate for the Applicant.
Mr. A. Malhotra, APP for the State.

CORAM : A.V. NIRGUDE, J.

DATE : 01st DECEMBER, 2015.

P.C. :

1 This revision challenges the concurrent findings of the courts below that certain goods stored in the applicant's godown deserved to be confiscated under the provisions of section 6-A of the Essential Commodities Act.

2 The facts leading to the litigation, in short, can be stated as under :

On 30th July, 2012, the Controller of Rationing visited the Applicant's godown. While taking inventory of the goods, it was found that edible oil stock was more than prescribed limit. It was found that about 216.85 quintal edible oil was found in excess. The goods were seized and that as

per the provisions of section 6-A onwards and the proceedings were taken for confiscation of the goods. The applicant opposed the proposed action of the confiscation but in vain. The only defence the applicant raised is that in case of imported oil, there is no limit for keeping stock. The applicant placed reliance on the government circular dated 8th June, 2009. In this circular, the government allowed import of edible oil, permitting the stockist to keep unlimited stock. The circular also mentions that an importer of the edible oil, while selling such imported oil to others, should mention the facts on the invoice whether the edible oil is stored, transferred or imported. The Applicant is trying to take shelter of this circular but unfortunately, the applicant could not show anywhere that the edible oil found in excess was imported one. They even did not show that any part of the stock was the imported oil. Such defence, therefore, is not available to the applicant.

3 The revision should, therefore, fail. It is dismissed.

(A.V. NIRGUDE, J.)

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