

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.8.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case Nos.270 and 271 of 2013
and
MP.Nos.1 to 1 of 2013

S.Noorul Ameen ...Petitioner in CrI.RC.No.270 of 2013

S.Chenniagiri Ramesh ...Petitioner in CrI.RC.No.271 of 2013

Versus

State by

1. The District Collector,
Erode, Erode District

2. The Inspector of Police,
CSCID, Erode ...Respondents in both revision

Criminal Revision Cases filed under Section 397 and 401 of Cr.P.C. against the Orders dated 31.8.2009 and 23.6.2010 passed in Criminal Appeal Nos.102 of 2009 and 186 of 2009 on the file of the First Additional Sessions Judge (Fast Track Court No.I) Erode whereby confirming the order passed by the District Collector, Erode in his proceedings Nos.Na.Ka.No.20343/2008/Ka-3 dated 12.9.2008 and Na.Ka.No.57083/2008/Ka-3 dated 02.6.2009 and set aside the same.

For Petitioner in both revision : Mr. C.Prakasam

For R2 : Mr. Mohomad Riyaz.,
Government Advocate

C O M M O N O R D E R

The petitioners have filed the above criminal revision cases against the Order dated 31.8.2009 and 23.6.2010 passed in Criminal Appeal Nos.102 of 2009 and 186 of 2009

2. The respondent police registered a case against the petitioners for the offence punishable under Clause 6(4) of the TNSC

(RDCS) Order 1982 read with Section 8(1) (a) (ii) of E.C. Act, 1955 on the ground that the petitioners had transported PDS rice illegally. After due enquiry, the first respondent imposed fine of Rs.83,903/- and Rs.1,30,459/- respectively vide proceedings dated 12.9.2008 and 02.6.2009. As against the same, the petitioners filed Criminal Appeal Nos. 102 of 2009 and 186 of 2009 before the learned Additional Sessions Judge, Erode and the same were dismissed on 31.8.2009. Aggrieved by the same, the present Criminal Revision Cases are filed.

3. Learned counsel for the petitioners did not argue on the merits of the case but only confined his argument with regard to the quantum imposed by the Courts below. According to the learned counsel for the petitioners, the petitioners are the owner of the vehicles in question and they are not directly responsible for the alleged offence, as the driver of the petitioners, without the knowledge of the petitioners, have transported the alleged PDS rice.

4. Learned Government Advocate appearing for the second respondent police submitted that the vehicles in question belong to Karnataka Registration Nos. and the petitioners have transported 300 bags and 216 bags of PDS rice illegally and, therefore, the Court below has rightly imposed the fine amount. The learned Government Advocate also submitted that the value of the vehicles also should have been taken into consideration while imposing fine amount but unfortunately, the same has not been added by the concerned authority while imposing fine amount.

5. Admittedly, the petitioners are the owners of the vehicles in question. It is the contention of the petitioners that their driver had transported the PDS rice illegally and the petitioners have no knowledge about the same. The alleged offence has been properly established by the respondents. The courts below have also properly appreciated the entire evidence and imposed the fine. In fact, as rightly pointed out by the learned Government Advocate, the Courts below have taken the value of the rice alone and it had not taken the value of the lorry while fixing the fine amount.

6. Therefore, I do not find any reason to interfere with the reasoned orders of the Courts below.

7. The Criminal revision cases are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ga

To

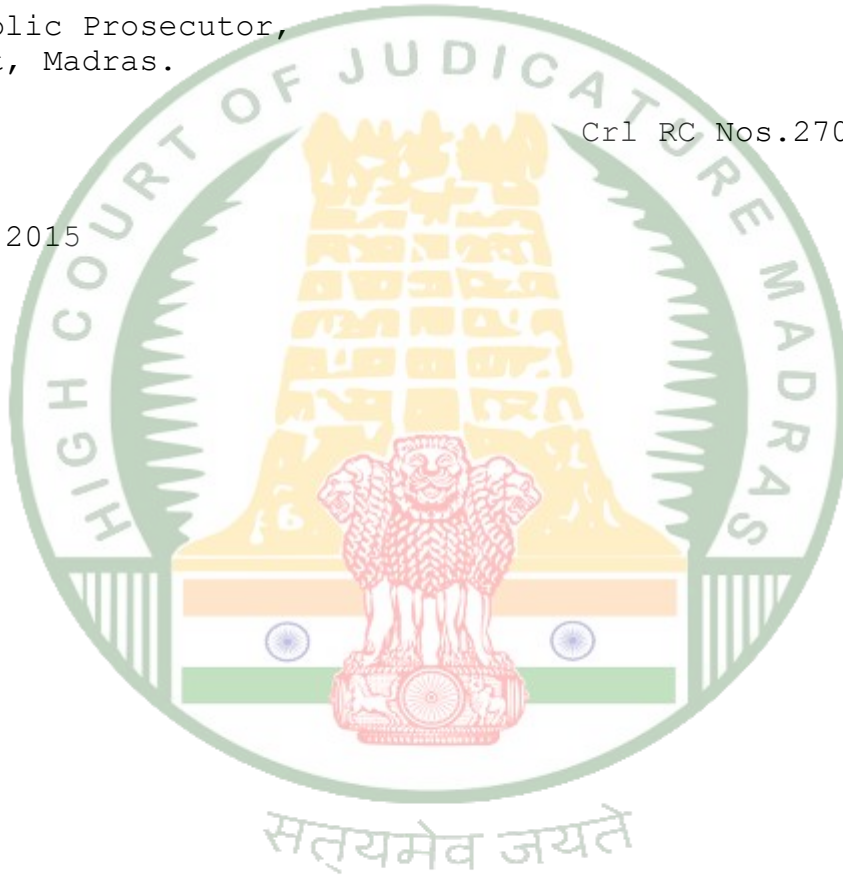
1. The First Addditional Sessions Judge,
Fast Track Court I,
Erode.

2. The District Collector,
Erode District.

3. The Public Prosecutor,
High Court, Madras.

Cr1 RC Nos.270 and 271 of 2013

TS [CO]
PSI 07.09.2015



WEB COPY