

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1175 OF 2015

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ORDER:

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The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the order dated 09.04.2015 passed in Criminal Appeal No.161 of 2011 by the Principal Sessions Judge, Nellore, whereby the learned appellate Judge dismissed the appeal by confirming the order in Rc.B.No.1269 of 2008, dated 21.05.2011, passed by the Joint Collector, SPSR Nellore District. However, the lower appellate Court ordered that the confiscation is confined to 50% of the seized stocks.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that there are no transport restrictions in movement of rice within the State and the petitioner is sending the rice from Kavali to Nellore. He further submits that in any event, the confiscation of 50% of the seized rice is excessive in nature and as such, prays for reduction of percentage of confiscation of seized rice.

Considering the facts and circumstances of the case, this Court directs the confiscating authority to confiscate 15% of the value of the stocks seized from the petitioner. It is made clear that if the said seized stocks were already sold by the competent authority, 85% of the value of the seized stocks shall be paid to the petitioner.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

01.07.2015

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