

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.94 of 2015

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ORDER :

The Criminal Revision Case is filed against the judgment dated 24.10.2014 passed in E.C.A.No.225 of 2012 by the learned Sessions Judge, Krishna Division, Machilipatnam, confirming the order dated 15.11.2012 passed in E.C.P.No.270 of 2012 by the District Collector, Krishna, Machilipatnam, while modifying the extent of confiscation of seized stock from 20% to 10%.

Facts, in brief, are that the petitioners are owners of rice mill. When the authorities inspected the premises, certain variations were found in the registers as well as in the ground stock. Hence, they seized the stock and initiated proceedings under Section 6-A of the Essential Commodities Act and an explanation was called for from the petitioners. The District Collector, after holding an enquiry, rejected the contentions, put-forth by the petitioners in their explanation, and ordered confiscation of 20% of the stock valued at Rs.6,85,275/-. The said order was questioned in E.C.A.No.225 of 2012 before the Sessions Court, Krishna Division, Machilipatnam. The learned Judge, by his judgment dated 24.10.2014, dismissed the appeal but, however, reduced the confiscation of stock from 20% to 10%. Aggrieved by the same, the present revision is preferred by the petitioners.

Learned counsel for the petitioners submits that the quantum of confiscation ordered by the Collector, and reduced by the lower appellate Court, may further be reduced to 6%.

Learned Public Prosecutor appearing for the State, however, does not dispute reduction in percentage of seized stock.

Heard and perused the material available on record.

On a perusal of the material available on record, it is obvious that excess quantity of rice was found in the mill as against the records maintained by the

petitioners. On appreciation of facts and circumstances of the case, the lower appellate Court having observed that the confiscation ordered by the District Collector is excessive and disproportionate to the violation alleged, modified the order of the District Collector by reducing the confiscation of stock from 20% to 10%. This Court finds no illegality or irregularity in the judgment passed by the lower appellate Court. But, however, in the circumstances of the case, this Court is inclined to reduce the said confiscation from 10% to 6.5%.

With the above modification, the Criminal Revision Case is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:31.03.2015.

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