HON’BLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.2005 of 2015

ORDER:

This revision is preferred challenging the judgment
dated 03-07-2015 in Criminal Appeal No.6 of 2014 on the file of the Principal Sessions Judge, Visakhapatnam, wherein and whereby the learned Principal Sessions Judge dismissed the appeal filed by the petitioner, however, by reducing the penalty imposed, from the confiscation of 60% of the seized stocks to that of 30% of the seized stocks.

The learned counsel for the petitioner submits that the very registration of the case and seizing the stocks is under misconception and factually and legally there is no violation of any control order as the entire stocks under transportation is covered by required documents, such as, bills, way bill and agricultural market cess receipt and as such, the confiscation of stocks is untenable under law.

Having heard the learned counsel for the petitioner and the learned Public Prosecutor and after perusing the material available on record, this Court is of the considered view that the confiscation of 15% of the seized stocks would be appropriate.

Accordingly, the Criminal Revision Case is disposed of modifying the order of penalty from 30% confiscation of stocks to that of 15% confiscation of stocks.

Miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J.

15th September, 2015

skmr