

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2330 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the Judgment dated 24.7.2015 passed in E.C. Appeal No.22 of 2014 by the Sessions Judge, Krishna Division, Machilipatnam.

2. Brief facts of the case are as follows:

On 2.5.2013 at 10 a.m., Special Deputy Tahsildar (PDS) Nandigama along with Circle Inspector of Vigilance and Enforcement Department intercepted the auto bearing No.AP07TT 6827 at Chandapuram Darga while it was proceeding from Nandigama to Chandarlapadu. On search, they found 62 plastic bags containing BPT rice 25 kgs each. The driver of the auto stated that the rice belongs to the rice mill of the petitioner. Then, the above said officials inspected the mill of the petitioner and found variations in the stock. Then, the inspecting authorities seized the stock and submitted a report under Section 6 A of the E.C. Act to the Collector, Krishna, Machilipatnam. The Collector after following necessary formalities and after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of 25% value of the seized stock to the Government and also imposed a fine of Rs.10,000/- as penalty on the owner of the seized auto for allowing his vehicle for transporting rice without valid documents. Aggrieved by the order of the District Collector, the petitioner filed appeal i.e., E.C. Appeal No.22 of 2014 before the learned Sessions Judge, Krishna Division, Machilipatnam insofar as the confiscation of the value of the seized stock is concerned. On re-appreciation of evidence, the learned Sessions Judge dismissed the appeal. While dismissing the appeal, the learned Sessions Judge modified the order of confiscation of 25% value of the seized stock to that of 15%. Being not satisfied with the judgment of the learned Sessions Judge, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the judgment under appeal, it is evident that variations were found in the stock in the rice mill of the petitioner. Considering the facts and circumstances of the case and in view of the concurrent findings of both the authorities with regard to the variations found in the stock of the petitioner's mill, this Court is not inclined to interfere with the judgment under revision.

5. At this stage, the learned Counsel for the petitioner prayed for modification of confiscation of 15% value of the seized stock.

6. Taking into consideration the above submission made by the learned Counsel for the petitioner, the order of the lower appellate Court i.e., confiscation of 15% value of the seized stock is modified to that of 10% value of the seized stock.

7. With the above modification, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 9.10.2015

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