

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.2186 of 2014

ORDER:

This revision is preferred challenging the judgment dated 09-09-2014 in Criminal Appeal No.69 of 2014 on the file of the Principal Sessions Judge, Warangal, wherein and whereby the learned Principal Sessions Judge dismissed the appeal filed by the petitioner by reducing the penalty imposed from the confiscation of 37% of the seized stocks to confiscation of the variations of stocks worth Rs.1,91,961/-.

The learned counsel for the petitioner submits that the petitioner is carrying on business under a valid licence issued by the competent authority and maintaining true and correct accounts. The petitioner having found the shortage of space for storage of entire quantity of red gram, stored in the godown bearing No.5-4-4 as it was included in the VAT licence. In the present case there is a shortage of stocks as against the entries in the stock register. Therefore, no inference can be drawn that the petitioner is doing clandestine business.

Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and having perusing the material available on record, this Court is of the considered view that the confiscation of stock worth Rs.1,00,000/- would be appropriate.

Accordingly, the Criminal Revision Case is disposed of modifying the order of penalty from

confiscation of stocks worth Rs.1,91,961/- to
confiscation of stocks worth Rs.1,00,000/-.

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

RAJA ELANGO, J.

15th September, 2015

skmr