

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.813 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the judgment dated 6.2.2015 passed in CrI.A.No.40 of 2011 by the Principal Sessions Judge at Nellore confirming the order in Rc.B.1210/2008 dated 30.12.2010 of the Joint Collector, Nellore District.

2. Brief facts of the case are as follows:

On 4.12.2008, the Civil Supplies Deputy Tahsildar, Buchi along with the Civil Supplies Deputy Tahsildar, Udayagiri proceeded to Tada Mandal, stayed at Bheemulavaripalem Check post for checking vehicles and found a lorry coming with 170 quintals of Raw-broken rice load. On verification, they found that the said raw-broken rice was being transported from Miryalaguda to Madhurai, Tamilnadu State, illegally in violation of G.O.Ms.No.46, Consumer Affairs, Food and supplies (C.S.I) Department dated 10.11.2008, and Government Memo No.743/CS.I(1) 2008, dated 19.11.2008. Hence, a complaint under Section 6 A of the Essential Commodities Act was filed. The Joint Collector after following necessary formalities and after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of entire quantity of seized stock to Government. Aggrieved by the same, the petitioner filed an appeal i.e., CrI.A.No.40 of 2011 before the learned Principal Sessions Judge, Nellore. The learned Sessions Judge dismissed the appeal confirming the order of the Joint Collector, Nellore. Challenging the judgment in the appeal, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the material on record, it is evident that there is no valid permit for transportation. The petitioner failed to explain properly regarding the illegal transportation of the stock. After conducting a detailed enquiry, the Joint Collector

found that the petitioner violated the provisions of Clause 7 a(1) of the A.P. Rice Procurement Levy Order, 1984. The learned Sessions Judge also confirmed the findings of the Joint Collector.

5. In the facts and circumstances of the case and in view of the concurrent findings of both the authorities below, this Court is not inclined to interfere with the judgment under revision.

6. At this stage, the learned Counsel for the petitioner submitted that the petitioner is a petty trader and therefore, the order of the confiscation of the entire stock may be modified.

7. Taking into consideration the above submission made by the learned Counsel for the petitioner, the order of both the authorities below with regard to the confiscation of the entire quantity of seized stock worth Rs.1,66,000/- is modified to that of 50% of the seized stock. Remaining 50% of seized stock shall be returned to the petitioner.

8. 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: 9.9.2015

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