

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.504 of 2015

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ORDER :

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), against the judgment dated 02.03.2015 passed in CrI.A.No.100 of 2014 on the file of the Principal Sessions Judge, Warangal, confirming the order dated 29.09.2014 passed in E.C.A.C.No.69 of 2014 by the Joint Collector, Warangal, wherein modifying the extent of confiscation of seized stock from 50% to 20%.

The facts of the case are as under:

The petitioner is running business in retail and general stores under the name of Budda Ramesh Kirana and General Stores at house No.2-1-112, Jangaon. When the authorities inspected the premises, they found certain variations in ground stock with the register. Hence, they seized the stock and initiated proceedings under Section 6-A of the Essential Commodities Act. After calling for the explanation and after holding an enquiry, the Joint Collector, rejected the defence put forth by the petitioner in his explanation, and accordingly ordered confiscation of 50% of the seized stock. The said order was questioned by way of filing CrI.A.No.100 of 2014 before the Principal Sessions Court, Warangal. The learned Principal Sessions Judge, by judgment, dated 02.03.2015, dismissed the appeal confirming the order passed by the District Collector, but however reduced the extent of confiscation of stock from 50% to 20%. Aggrieved by the same, the present revision is preferred by the petitioner.

Learned counsel for the petitioner submits that the quantum of confiscation ordered by the Collector is on higher side and seeks further reduction.

Heard and perused the material available on record.

On a perusal of the material available on record, it is obvious that the petitioner was indulged in clandestine business in purchase and sale by storing stocks of pulses and edible oils without maintaining proper accounts for sale on higher rates. On appreciation of facts and circumstances of the case, the lower appellate Court confirmed the order passed by the Joint Collector. 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 20% to 10%.

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

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

JUSTICE C. PRAVEEN KUMAR

09.04.2015

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