

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WEDNESDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.2481 of 2012

Between:

Nomula Sydulu

..... PETITIONER

AND

The State of A.P., rep.by its Public
Prosecutor, High Court, Hyderabad and another

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **22.07.2015**

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 2. | Whether Their Ladyship/Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL REVISION CASE No.2481 of 2012

ORDER:

This criminal revision case is filed questioning the correctness of the order dated 28.05.2012 passed by the learned Joint Collector & Additional District Magistrate, Guntur in E.C.Act Case No.193/2011-S7, as confirmed by the learned Sessions Judge, Guntur in CrI.A.No.213/2012, dated 11.09.2012.

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, representing the State.

The facts of the case in brief are that on the night of 30.08.2011 the police while in the process of checking the vehicles at Brahmanapalli near Petrol Bunk, they found the Lorry bearing No.AP16-W1128 which was being owned and driven by the petitioner/3rd respondent and on checking, it was found that 60 quintals of PDS rice in 120 bags each containing 50 kgs was being transported in the said vehicle and the person sitting in the lorry was the non-petitioner/2nd respondent and accordingly, the case was registered and the stock was seized.

The learned Joint Collector conducted enquiry and while confiscating the seized stock to the Government, has imposed fine of Rs.1,20,000/- to the petitioner/3rd respondent towards equivalent market value of the seized stocks, as he being owner-cum-driver of the offending lorry.

The learned counsel for the petitioner/3rd respondent submits that the petitioner is innocent and poor person, who had no knowledge about the rice being PDS rice, and that he has only let the vehicle on hire for a sum of Rs.10,000/- and subsequently, on being checked the vehicle, it found to be that the rice was PDS rice and therefore, a lenient view may be taken.

As per the explanation offered by the petitioner/3rd respondent, while he was waiting for transportation of any items in his lorry, the non-petitioner/2nd respondent approached him and engaged the lorry of the 3rd respondent for transportation of rice bags. According to the petitioner, he parked his lorry on roadside and from somewhere the rice bags were brought in an auto and loaded the same in his vehicle. It cannot be said that the petitioner/3rd respondent has no knowledge that the rice bags are PDS rice, which is prohibited for private transportation. The non-petitioner/2nd respondent before engaging the vehicle of the petitioner/3rd respondent, had stated to the petitioner that the items are PDS rice bags and for which he supplied a copy of report which was acknowledged by the petitioner/3rd respondent.

In view of the above, I do not find any infirmity warranting interference with the impugned order. However, considering the family background of the petitioner/3rd respondent, I deem it appropriate to reduce the fine amount imposed against the petitioner/3rd respondent from Rs.1,20,000/- to Rs.60,000/-.

The Criminal Revision Case is accordingly allowed in part, to the extent indicated above.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 22.07.2015

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