

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1879 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioners aggrieved by the Judgment dated 24.1.2014 passed in CrI.A.No.4 of 2013 by the Principal Sessions Judge, Warangal.

2. Brief facts of the case are as follows:

On 17.7.2012, the respondent-Officers inspected the kirana shop being run by the 1st petitioner and found 266 bags (each bag contains 25 kgs) of superfine rice of BPT/HMT varieties, without food grain licence. The shop was inspected by the respondent-officers about six months earlier. When the 1st petitioner was instructed to obtain food grain licence, either as a retail dealer or wholesale dealer, the 1st petitioner and her husband-2nd petitioner had agreed to it. In spite of it, they did not apply and obtain such licence to run the business. On the date of inspection, they were found carrying on such business unauthorizedly. Therefore, the entire stock was seized and a complaint was filed before the Joint Collector, Warangal against the petitioners for contravening clauses 2K(4), 3(1) of A.P. Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 and Clause 5 of A.P. Exhibition of Pricelists of Goods Order, 1966. The Joint Collector after following necessary formalities and after conducting enquiry rejected the explanation of the petitioners and passed orders for confiscation of 100% value of the seized stock to the Government. Aggrieved by the same, the petitioners filed appeal i.e., CrI.A.No.4 of 2013 before the Principal Sessions Judge, Warangal. The learned Sessions Judge while sustaining the findings of the Joint Collector dismissed the appeal while modifying the order of confiscation of 100% value of the seized stock to that of 50% value of the seized stock. Being not satisfied with the judgment of the learned Sessions Judge, the petitioners filed this revision.

3. Heard and perused the material available on record.

4. From the judgment under appeal, it is evident that the petitioners are running business without having valid license. Considering the facts and circumstances of the case and in view of the concurrent findings of both the authorities with regard to the said aspect, this Court is not inclined to interfere with the judgment under revision.

5. At this stage, the learned Counsel for the petitioners prayed for modification of confiscation of 50% value of the seized stock.

6. Taking into consideration the above submission made by the learned Counsel for the petitioners, the order of the lower appellate Court i.e., confiscation of 50% value of the seized stock is modified to that of 25% value of the seized stock. The petitioners are entitled for refund of 25% of 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: 9.9.2015

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