

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2347 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the Judgment dated 25.2.2015 passed in CrI.A.No.330 of 2014 by the Sessions Judge, Guntur.

2. Brief facts of the case are as follows:

The Vigilance & Enforcement Officials, Guntur along with Vinukonda police personnel inspected the premises of the petitioner viz., M/s. Sri Venkata Ramana Fertilizers situated at Vinukonda Town and found that the petitioner has not purchased the fertilizer stocks from the approved and authorized sources. Thus, the petitioner violated Clause 8 of Fertilizer (Control) Order, 1985. Then, the Vigilance & Enforcement Officials submitted a report to the Joint Collector under Section 6 A of the Act. The Joint Collector, Ranga Reddy District, after following necessary formalities and after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of the entire seized stock viz., 85 quintals of three varieties of fertilizers to the Government. Aggrieved by the same, the petitioner filed an appeal i.e., CrI.A.No.330 of 2014 before the learned Sessions Judge, Guntur. On re-appreciation of evidence, the learned Sessions Judge dismissed the appeal confirming the order of the Joint Collector. Hence, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the material available on record, it is apparent that the petitioner-proprietor of Sri Venkata Ramana Fertilizers had not procured the fertilizers found in his premises from the authorized

sources and he had not given proper explanation as to the details of purchase of stock found in his premises. It clearly establishes that he contravened the provisions of Clause 8 of Fertilizer (Control) Order.

5. Considering the facts and circumstances of the case and in view of the concurrent findings of both the authorities below with regard to the violations committed by the petitioner, this Court is not inclined to interfere with the judgment under revision.

6. At this stage, the learned Counsel for the petitioner has sought for modification of the confiscation order.

7. Taking into consideration the above submission made by the learned Counsel for the petitioner, the order of the lower appellate Court i.e., confiscation of the entire seized stock viz., 85 quintals of three varieties of fertilizers to the Government is modified to that of 50% of the entire seized stock. The remaining 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: 30.10.2015

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