

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2445 of 2015

ORDER

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This Criminal Revision Case is directed against the order dated 13.04.2015 passed in C.M.A.No.10 of 2014 by the learned I Additional District Judge, West Godavari at Eluru.

2. The brief facts of the case are that on receipt of credible information, the Vigilance and Enforcement Officials intercepted the lorry bearing No.AP20 TC 0835 at Sanivarapupeta of Eluru-Nuzuveedu road on 20.05.2013 and found 180 bags of rice, each containing 50 Kgs of rice, in the lorry, and when they asked to produce the documents, the third petitioner herein produced waybill, wherein it was mentioned that the said vehicle was transporting 95 quintals of Government auctioned rice from Sri Santoshi Matha Traders, Ganeshpuri Colony, Chaitanyapuri, Hyderabad to Sri Venkateswara Poultry Farm, Kakinada and he also submitted a Xerox copy of the proceedings of the Tahsildar, wherein it was ordered the custodian to handover to Sri Santoshi Matha Traders, Saroornagar, Ranga Reddy District through Vehicle No.AP 16 TY 4355. Thus, the first petitioner is doing clandestine business illegally and the other petitioners were transporting the rice duly mentioning wrong waybill numbers in the bill, thereby they contravened the provisions of Cl.7(1) of APSCD (LS&R) Order, 2008 The said stock was seized in the presence of the mediators and handed over the same to one Sri Gutha Subba Rao, for safe custody under proper acknowledgment. Thereafter, initiated the proceedings under Section 6-A of the Essential

Commodities Act, 1955 against the petitioners. The petitioners were served with a notice calling for explanation. The District Collector, West Godavari, Eluru, after holding an enquiry, rejected the contentions put forth by the petitioners in their explanation and ordered confiscation of 100% of the value of the seized excess stock vide order dated 23.12.2013 in Roc.No.CS1/79/ECA/2013. Aggrieved by the same, the petitioner filed C.M.A.No.10 of 2014. By the impugned order, the learned District Judge dismissed the appeal modifying the order of the District Collector and reduced the percentage of confiscation of stock or its value from 100% to 40%. Questioning the same, the petitioner filed the present revision.

3. Heard and perused the material available on record.

4. On perusal of the material available on record, it is evident that the petitioners had transported the auctioned PDS rice without valid documents and doing clandestine business by illegally transporting the rice duly mentioning wrong waybill numbers in the bill. On appreciation of facts and circumstances of the case, the District Collector ordered confiscation of 100% of the seized stock. The appeal filed by the petitioners was dismissed, but modified the confiscation of the seized stock from 100% to 40%. On perusal of the entire material on record, this Court finds no illegality or irregularity in the order passed by the lower appellate Court. But however, in the facts and circumstances of the case, this Court is inclined to modify the order impugned reducing the confiscation of the seized stock from 40% to 20%. Rest of the seized stock shall be returned to the petitioners.

5. With the above modification, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE RAJA ELANGO

7th October, 2015

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