

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1336 OF 2015

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ORDER:

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The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the Judgment dated 17.06.2015 passed in E.C.Appeal No.104 of 2012 by the Hon'ble Court of Sessions Judge, Krishna Division, Machilipatnam, confirming the order dated 22.03.2012 in E.C.P.No.283 of 2011 by the Joint Collector, Krishna at Machilipatnam, whereby the Joint Collector ordered to confiscate 70% of the seized stock and to forfeit 50% value of the Bank Guarantee submitted by the owner of the vehicle for release of seized vehicle for illegal transportation of scheduled commodities in his vehicle in lieu of its confiscation.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner has not committed any irregularities and in any event, the confiscation of 70% of the seized stock and 50% of the Bank Guarantee is excessive in nature and as such, prays for reduction of percentage of confiscation of seized stock and also to reduce the percentage of forfeiture of Bank Guarantee.

This Court, normally, is not inclined to interfere with the concurrent findings of the Joint Collector as well as the lower appellate Court. However, this Court feels that the confiscation and forfeiture of the Bank Guarantee is excessive in nature and as such, inclined to reduce the percentage of confiscation of seized stocks and percentage of forfeiture of Bank Guarantee.

Considering the facts and circumstances of the case, this Court directs the confiscating authority to confiscate 30% of the value of the stocks seized from the petitioner and to forfeit 25% of the value of the Bank Guarantee. It is made clear that if the said seized stocks were

already sold by the competent authority, 70% of the value of the seized stocks and 75% of the value of the Bank Guarantee shall be paid to the petitioner.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

15.07.2015

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