

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

Case No. Crl.R.C. No.1420 of 2015

Between:

Smt. T. Indira W/o. T.Koteswara Rao and another

... Petitioner/Appellant (s)

and

The State of Andhra Pradesh,
rep. by Public Prosecutor,
High Court at Hyderabad for
the State of Telangana.

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 24.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

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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 Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1420 OF 2015

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ORDER:

This Criminal Revision Case is filed against judgment, dated 31.03.2015, passed in Crl.A. No.8 of 2014 by the Principal Sessions Judge, Visakhapatnam, whereby the learned Sessions Judge modified

the order passed by the Joint Collector, Visakhapatnam in CC No.4/2012/CSR-5, dated 01.02.2014.

Heard and perused the material available on record.

The brief facts of the case are that the District Supply Officer (City), Visakhapatnam reported that on receipt of credible information that M/s.Kalki Traders, located at Bowdara Road, Visakhapatnam is purchasing PDS rice and making zero business, he along with Junior Checking Inspector inspected the said shop on 03.01.2012 and on verification of the records and stocks available in the shop and the godown premises, they found variation in the stock of food grains, pulses etc., valued at Rs.15,15,000/-. As the variations are beyond permissible limits and the petitioners being licence holder, conducting the business in violation of the licence conditions, the DSO seized the stock and filed a complaint under Section 6-A of the Essential Commodities Act, before the Joint Collector, Visakhapatnam. On the basis of the complaint made by the complainant, the Joint Collector framed six charges against the petitioners and issued a notice to show cause for confiscation of the stock seized to Government.

The petitioners submitted their explanation denying the charges framed against them. The Joint Collector, not satisfying with the explanation given by the petitioners, found them guilty of the charges and ordered for confiscation of 30% of the stock seized to the Government. Against the said order, the petitioners filed CrI.A.No.8 of 2014 before the Principal Sessions Judge, Visakhapatnam. The learned Sessions Judge partly allowed the appeal and modified the order passed by the Joint Collector by reducing the confiscation from 30% to 15% of the seized stock, while confirming the findings of the Joint Collector. Against the said order, the present revision case is filed.

Learned counsel for the petitioners submitted that the judgment of the lower appellate Court is contrary to law and the authorities have failed to consider the allowable marginal variations in the stock.

In the facts and circumstances of the case and in view of the concurrent findings of both the authorities below with regard to variation in stock and also non-maintenance of records, this Court is not inclined to interfere with the judgment under review.

At this stage, the learned counsel for the petitioners submitted that the petitioners are petty traders and that the petitioners may be directed to pay some amount instead of confiscation of the stock.

Taking into consideration the above submission made by the learned counsel for the petitioners, the order of the learned Principal Sessions Judge, Visakhapatnam in Crl.A.No.8 of 2014 with regard to confiscation of 15% of value of the stock, is modified to that of payment of Rs.1,15,000/- to the Government . On payment of Rs.1,15,000/- by the petitioners, confiscation of 15% of the value of the seized stock ordered by the learned Principal Sessions Judge, shall be returned to the petitioners.

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

RAJA ELANGO, J

July 24, 2015.
KTL