

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.1904 of 2015**

**ORDER:**

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the Judgment dated 14.7.2015 passed in E.C.Appeal.No.35 of 2014 by the Sessions Judge, Krishna Division, Machilipatnam.

2. Brief facts of the case are as follows:

On 26.7.2013 at 12 noon, the Assistant Supply Officer, Circle II, Vijayawada inspected the rice shop of the petitioner and found the variations in the stock of rice and idly ravva. Further, they found availability of quintals of fine rice, Basmati rice and Idly Ravva. They also found that the petitioner was not maintaining the registers properly. Thus, the petitioner violated Clause 18(2)(c ) of the A.P. Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008. As there were irregularities in the business of the petitioner, the officials seized the stock and submitted a report under Section 6 A (1) of the E.C. Act to the Collector, Krishna, Machilipatnam. The Collector after following necessary formalities and after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of 15% of the stock seized from the petitioner's shop to the Government. Aggrieved by the same, the petitioner filed appeal i.e., E.C.A.No.35 of 2014 before the learned Sessions Judge, Krishna Division, Machilipatnam. On re-appreciation of evidence, the learned Sessions Judge dismissed the appeal. But, the learned Sessions Judge reduced the value of the stock ordered for confiscation from 15% to 10%. Being not satisfied with the judgment of the learned Sessions Judge, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the judgment under appeal, it is evident that variations were found in the stock of the petitioner's shop. Considering the facts and circumstances of the case

and in view of the concurrent findings of both the authorities with regard to the variations found in the stock of the petitioner's shop, this Court is not inclined to interfere with the judgment under revision.

5. At this stage, the learned Counsel for the petitioner prayed for modification of confiscation of 10% of the seized stock.

6. Taking into consideration the above submission made by the learned Counsel for the petitioner, the order of the lower appellate Court i.e., value of the stock ordered for confiscation to the State is reduced from 10% to 7%.. The remaining seized stock shall be returned to the petitioner.

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

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**JUSTICE RAJA ELANGO**

Dated: 8.9.2015

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**08.09.2015**

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