

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1999 of 2015

JUDGMENT:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the common judgment dated 27.5.2015 passed in CrI.A.Nos.69 & 70 of 2013 by the Principal Sessions Judge, Ranga Reddy District, at L.B. Nagar.

2. Brief facts of the case are as follows:

The Complainant-Assistant Civil Supply Officer, R.R. East Division received a credible information that the Regional Vigilance & Enforcement Officials, Hyderabad (Rural) caught hold a lorry with a load of PD rice at Palamakula village and it was brought to the police station, Shamshabad. Thereupon, he along with the Director of Enforcement proceeded to the Shamshabad P.S., and registered a case under Section 6-A of the E.C.Act. The complainant surprised the shop No.3 situated at Taramatipet village and found the petitioner transacting business, and verified the available stock and registers and noticed excess variation of 68.47 quintals of PDS rice, 0.10 quintals of Sugar and 0.50 quintals of R.G. Dal. Upon inspection, the complainant noticed the ground stock of 254.38 quintals of rice consisting in 398 gunny bags each weighing 50 kgs, 69 white plastic bags each weighing 70 kgs and 26 white plastic bags each weighing 25 kgs. The PDS rice was filled with other than FCI bags and when it was questioned, the petitioner stated that he was not in the village at the time of arrival of the commodities from the MLS point. On the same day, the complainant proceeded to shop No.4 to which the petitioner is incharge, verified the stock and found variations. The complainant after inspecting the above shops submitted two separate reports. The District Collector after conducting enquiry ordered

confiscation of 100% of the stocks seized by the inspecting agency at shop No.3 situated at Taramatipet village and Shop No.4 situated at Gowrelly village to the Government by two separate orders. Challenging the same, the petitioner filed two appeals. The learned Sessions Judge dismissed both the appeals confirming the orders of the District Collector. Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. It is the case of the petitioner that he had not contravened any conditions and he had not diverted the stocks to black market as alleged. In the common judgment in the appeals, it is observed that the petitioner diverted the commodities meant for the people below the poverty line to the open market. In this regard, the findings of both the authorities are concurrent. Nothing was adduced by the petitioner to disprove the case of the prosecution.

5. In view of the concurrent findings of both the authorities below, this Court is not inclined to interfere with the common judgment under revision.

6. At this stage, the learned Counsel for the petitioner submitted that the petitioner is a petty trader and therefore, he prayed to reduce the confiscation of 100% of the seized stock in each shop.

7. Taking into consideration, the above submission made by the learned Counsel for the petitioner, the authorities concerned are directed to confiscate 50% of the seized stock in each shop to the Government and return the remaining 50% of the seized stock in each shop to the petitioner.

8. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall

stand closed.

JUSTICE RAJA ELANGO

Dated: 10th December, 2015
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