

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2868 OF 2015

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ORDER:

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This petition is filed challenging the judgment dated 10-08-2015 passed by the Principal Sessions Judge, Kurnool, in CrI.A.No.94 of 2015 insofar as confiscation of 5% variation of stock which arose out of the order dated 06-04-2015 in CS1/67/2014 passed by the Court of the Collector, Kurnool, Kurnool District.

The brief facts of the case are as follows:

The Deputy Tahsildar (Civil Supplies), Nandyal laid complaint before the Collector (Civil Supplies), Kurnool under Section 6-A of the Essential Commodities Act, 1955, alleging that on 22-04-2014, he along with the Inspector, Vigilance & Enforcement, Kurnool, Food Inspector, Nandyal and Village Revenue Officer, Nandyal, after securing the mediators, surprised M/s.Sri Shyam Traders Rice Mill, Nandyal and found one person by name Bysani Sreeramulu, who on demand, produced the books viz., (i) Form "B" license renewed up to 30-09-2009; (ii) Certificate of Registration of Commercial Taxes Department vide TIN No.28129455039; and (iii) Form-B Stock Register maintained from 01-04-2014 to 21-04-2014. On verification, there was variation of stock between the book balance and the ground balance. The Deputy Tahsildar (Civil Supplies), Nandyal verified the stock with the help of hamalies and found that there was excess stock of paddy and there was shortage of rice and broken rice. Thus, there was contravention of A.P. Rice Procurement (levy) order, 1984 and Andhra Pradesh Scheduled Conditions Licensing (Storage and Regulation) under 2008 and he requested the learned Collector, Kurnool to initiate action against the owners. He also seized the stock and handed over the same to G.Venkata Subbaiah, Partner of Ramana Rice Mill, Nandyal under acknowledgement. A panchanama was also drafted at the Mill.

The learned Collector, Kurnool, who took the complaint on file under Section 6-A of the Essential Commodities Act, 1955, after considering the explanation offered by

the revision petitioners herein and after hearing both sides, passed the impugned order by ordering confiscation of 5% of value of seized stock (i.e., 2662.50 Quintals of Paddy, 940 Quintals of Rice, 288 Quintals of Broken Rice and 28 Quintals of Brawn), which is worth Rs.67,70,375/-.

On appeal by the revision petitioners herein, the learned Principal Sessions Judge, Kurnool, allowed the appeal in part by setting aside the order passed by the learned Collector, Kurnool in CS1/67/2014, dated 06-04-2015 sofar as ordering confiscation of 5% of the value of the seized stocks of 940 quintals of rice, 288 quintals of broken rice and 28 quintals of brawn is concerned. Further, the order passed by the learned Collector, Kurnool in CS1/67/2014, dated 06-04-2015 to the extent of confiscation of 5% of value of seized stock in respect of paddy is also set aside, by modifying the penalty of confiscation from 5% of value of seized stock of paddy to 5% of the value of the variation portion of paddy stock between the book balance and the ground balance, found in the premises of M/s.Sri Shyam Traders Rice Mill, Nandyal belonging to the revision petitioners herein.

Heard and perused the material available on record.

In the above circumstances and in view of the concurrent findings of both the authorities with regard to the illegal activity of the petitioner, this Court is not inclined to interfere with the judgment under revision and hence, the revision case is liable to be dismissed.

Accordingly, the Criminal Revision Case is dismissed. Consequently, miscellaneous petitions pending, if any, stand dismissed.

JUSTICE RAJA ELANGO

Date : 25.11.2015

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