THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2038 OF 2014

ORDER:

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 Order dated 26.02.2014 passed in C.A.No.230 of 2012 by the District and Sessions Judge, Chittoor, whereby the learned Sessions Judge dismissed the appeal by confirming the order, dated 25.08.2012, passed in D.Dis.DI/13/2012, by the District Collector, Chittoor, confiscating 25% of the value of the seized stocks to the Government.

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 25% of the seized stocks is excessive in nature and as such, prays for reduction of percentage of confiscation of seized stock.

This Court, normally, is not inclined to interfere with the concurrent findings of the District Collector as well as the lower appellate Court. However, this Court feels that the confiscation of seized stocks is excessive in nature and as such, inclined to reduce the percentage of confiscation value of the seized stocks and also the bank guarantee.

Considering the facts and circumstances of the case, this Court directs the confiscating authority to confiscate 12.5% of the value of the stocks seized from the petitioner. It is made clear that if the said seized stocks were already sold by the competent authority, 87.5% of the value of the seized stocks 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

22.12.2015

pln