

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2660 OF 2015

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ORDER:

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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 10.08.2015 passed in E.C.Appeal No.188 of 2012 by the Sessions Judge, Krishna Division, at Machilipatnam, whereby the learned Sessions Judge modified the order dated 02.04.2012 in E.C.P.No.538 of 2008, passed by the District Collector, Krishna District, and reduced the percentage of confiscation value of the seized stock from 50% to 25% and the value of the bank guarantee furnished for release of the lorry from 50% to 25%.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the petitioners have not committed any irregularities and in any event, the confiscation of 25% of the seized stocks and 25% of the bank guarantee are excessive in nature and as such, prays for reduction of percentage of confiscation of seized stock and also the bank guarantee.

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 and also to confiscate only 12.5% of the bank guarantee furnished for release of lorry. 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 petitioners and also 87.5% of the value of the bank guarantee shall be released to the petitioners.

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

07.11.2015

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