HON'BLE SMT. JUSTICE ANIS

CRIMINAL REVISION CASE No. 476 OF 2007

O R D E R:

This Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C') is filed by the revision petitioners challenging the judgment dated 08.12.2006, passed by the learned District & Sessions Judge, Chittoor, in Criminal Appeal No.318 of 2003, whereunder and whereby the order of confiscation of 25% of the seized stocks to the State Government under Section 6A(1)(a) of the Essential Commodities Act, 1955 (for short 'the Act') and fine of Rs.25,000/- on the owner of lorry under Section 6A(1)(c) of the Act, vide orders in Case No.6A/83/RMPC/2000, dated 18.12.2002 by the Joint Collector, Chittoor, were confirmed.

2. The revision petitioners herein are the respondents 1 to 9 and the respondent No.2 herein is the complainant before the Joint Collector, Chittoor vide Case No. 6A/83/RMPC/2000, dated 18.12.2002. For the sake of convenience, the parties hereinafter will be referred to as they are arrayed before the trial Court.

3. The case of the prosecution in brief is that on receipt of reliable information, the Inspector of Police, Vigilance Cell, Civil Supplies Department, Tirupati along with his staff and mediators intercepted the lorry bearing No.AP04T 7097 on 09.04.2000 at 3.30 a.m. at the cross roads of Rompicherla and found the respondents 1 and 2. When the respondents 1 and 2 tried to escape from the scene, they caught hold of them and on enquiry, they informed that they used to purchase paddy in and around Kadapa, convert into rice and used to sell the same to the merchants and on verification, they have no valid documents or permit for transporting the said rice. In lorry, they

found 180 bags of rice each weighting 50 Kgs. and 30 bags of groundnut cake. Thereby, they seized the stocks along with lorry and registered a case under Sections 6-A of the Act.

4. After issuing notices to respondents and after they made appearance, the Joint Collector, Chittoor passed order of confiscation of 25% of seized stocks to the State and imposed fine of Rs.25,000/- on the owner of the lorry i.e. respondent No.3.

5. Aggrieved by the order of the Joint collector, the respondents preferred Criminal Appeal No.315 of 2003 before the District & Sessions Judge, Chittoor, wherein the appeal was dismissed confirming the order of the Joint Collector.

6. Aggrieved by the judgment dated 08.12.2006 passed by the District & Sessions Judge, Chittoor in Criminal Appeal No.315 of 2003, the revision petitioners preferred the present revision case.

7. The learned counsel for the revision petitioners argued that the Court below has not considered that the first respondent has not supplied with the copy of the report of the second respondent, as such principles of natural justice was not followed, and therefore, the order of the Joint Collector dated 18.12.2002 is liable to be set aside; that the Court below also failed to consider about the irregularities caused before search and seizure and not obtained any prior permission to seize the lorry; that the Court below also has not seen that none of the charges levelled against the revision petitioners are applicable since no paddy was found and seized; that none of the revision petitioners are traders or millers in respect of the rice seized; that the revision petitioners have not contravened any control order and finally prayed the Court to allow the revision case.

8. On the other hand, the learned Public Prosecutor argued that on credible information on 09.04.2000 at

3.30 a.m., the Inspector of Police, Vigilance Cell, Civil Supplies Department, Tirupati along with his staff and mediators intercepted the lorry bearing No.AP04T 7097 at the cross roads of Rompicherla and seized the paddy; that the revision petitioners do not have any valid documents and any permit for transporting the rice, therefore the Joint Collector after considering all the facts passed the order as stated supra and the order of the Joint Collector also confirmed by the District & Sessions Judge, Chittoor in Criminal Appeal No.315 of 2003, and therefore, prayed the Court to dismiss the revision case.

9. Now, the point for determination is –

> Whether the revision petitioners are entitled to set aside the judgment passed by the appellate Court in confirming the order of the Joint Collector?

10. **Point**:

A perusal of the record shows that the Inspector of Police, Vigilance Cell, Civil Supplies Department, Tirupati along with his staff intercepted the lorry bearing No.AP04T 7097 on 09.04.2000 at the cross roads of Rompicherla at about 3.30 a.m. and found that the rice was transporting without any permit or valid documents, and they also found 180 bags of rice and 30 bags of groundnut cake, as such they seized the lorry and the commodities. The record further shows that the Joint Collector passed orders on 18.12.2002 confiscating 25% of seized stock to the State and imposing fine of Rs.25,000/- on the owner of the lorry.

11. The main contention of the revision petitioners is that they have not contravened any control order and further they are agriculturists but not traders or millers. A perusal of the record shows that the revision petitioners failed to produce any authenticated documents for possession of rice and also groundnut cake. Further, the charges framed by the Joint Collector were held proved and the same were

confirmed by the appellate Court. The detention of lorry for transporting 180 bags of rice and 30 bags of groundnut cake without any licence, shows that the revision petitioners are doing clandestine business by violating the provisions of the control orders.

12. The learned counsel for the revision petitioners submitted to take lenient view and to reduce confiscation percentage from 25% to 10% and also to reduce the fine amount on the lorry owner. It is no doubt that the Joint Collector as well as the appellate Court gave a clear finding that the revision petitioners were doing clandestine business of rice and transported the same without any valid permit.

13. However, in view of the submissions and in view of the facts and circumstances of the case, it is ordered that the order of confiscation of 25% of the seized stock to the State is reduced to 15% and the fine amount of Rs.25,000/- imposed on the owner of the lorry (revision petitioner No.3) also reduced to Rs.15,000/-.

14. Accordingly, the Criminal Revision Case is disposed of.

15. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

ANIS, J

Date: 18.02.2015
Anr