

HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2977 of 2015

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ORDER:

The present revision is preferred against the order dated 10.06.2015 passed by the Principal Session Judge, Ongole, in Criminal Appeal No.16 of 2013.

The brief facts of the case are as follows:

The Enforcement Deputy Tahsildar, Ongole-I, reported to the Collector (CS), Prakasam District Ongole, stating that on receipt of information, the Inspector of Police, Taluk Police Station, Ongole, intercepted a lorry bearing No.AP-28-W-1455 and found that Q.84.00 of PDS rice was transporting in it illegally. Therefore, the stock as well as the lorry were seized. Nobody claimed the rice found in the lorry. But, on issuance of notice, the petitioner, who is the owner of the said lorry, submitted an explanation stating that the PDS rice was being transported in his lorry by the cleaner without his knowledge and consent, and therefore, he cannot be penalized for the action of the cleaner. However, after conducting enquiry, the Collector (CS) found that the lorry was used for transporting PDS rice illegally and therefore, he has ordered for confiscation of the total stock and also imposed penalty of Rs.1,68,000/- on the owner of the lorry. Aggrieved by the said order of imposing penalty, the petitioner filed Criminal Appeal No.16 of 2013 under Section 6C of the Essential Commodities Act, 1955. The learned Principal Sessions Judge, Ongole, considering the facts and circumstances of the case, held that it is the first contravention made by the petitioner, and accordingly modified the order passed by the Collector (CS) by reducing the penalty imposed from Rs.1,68,000/- to Rs.1,00,000/-. Aggrieved by the same, the petitioner filed this Criminal Revision Case.

Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the record.

In view of the concurrent findings recorded by the competent authority and the lower appellate Court, this Court is not inclined to interfere with the order under revision. However, taking into consideration the submission made by the learned

counsel for the petitioner that the petitioner is having only one lorry and he has to eke out his livelihood on it, this Court is of the view that the penalty imposed on the petitioner can be reduced. Accordingly, the penalty imposed by the learned Principal Sessions Judge, Ongole, in Criminal Appeal No.16 of 2013 is reduced from Rs.1,00,000/- to Rs.30,000/-.

Subject to the above modification, the Criminal Revision Case is disposed of. Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated: 04.11.2015

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HON'BLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE (SR) No.35274 of 2015

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