

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1782 OF 2015

-

ORDER:

This Criminal Revision Case is filed against judgment, dated 01.07.2015, passed in E.C.Appeal No.109 of 2013, by the Sessions Judge, Krishna Division, Machilipatnam.

The brief facts of the case are that the Inspector of Police, II-Town P.S., Gudivada, along with his staff, intercepted the lorry bearing No.AP 27 V 2129 and found 171.47 quintals of PDS rice in the said lorry. On enquiry, the driver of the lorry stated that the said stock was loaded by the 1st petitioner for transporting the same to one Venkateswara Rao of Siva Ganesh Traders, Konanka Village of Mandapeta Mandal. After giving information to the Tahsildar, Gudivada, the police seized the lorry and the stock. The Special Deputy Tahsildar, Gudivada enquired into the matter and filed a petition under Section 6-A of the Essential Commodities Act before the Joint Collector, Krishna, against the petitioners and two others for confiscation of 171.47 quintals of PDS rice to the government.

The Joint Collector having found prima facie case against the petitioners, issued show cause notices to them, to which the petitioners have submitted explanations. After considering the explanations and also after hearing the arguments, the Joint Collector ordered for confiscation of 100% of the seized stock to the Government and also imposed 50% of the bank guarantee, as penalty, on the owner of the lorry. Aggrieved by the same, the petitioner filed Crl.A. No.109 of 2013 before the Sessions Judge, Krishna Division, Machilipatnam, and the learned Sessions Judge, after hearing the arguments and considering the material on record, dismissed the appeal and confirmed the order of the Joint Collector, in respect of the confiscation of 100% of the seized stock and reduced the penalty of

50% of the bank guarantee on the owner of the lorry to 25%.
Challenging the same, the present revision is filed.

Learned counsel for the petitioners submits that both the Courts below have failed to consider whether the seized stocks are essential commodity or not and whether the petitioners have contravened clause 17(A) of the A.P. State Public Distribution (Control) Order, and without considering the same, the Joint Collector has passed the order confiscating 100% of the seized stock and the learned Sessions Judge also confirmed the same.

After perusing the entire material available on record and after hearing the submissions made by the learned counsel for the petitioners, this Court is of the view that the confiscation ordered by the learned Sessions Judge can be reduced.

Accordingly, the Criminal Revision Case is partly allowed, modifying the impugned judgment, dated 01.07.2015, insofar as it relates to the confiscation of 100% of the seized stock i.e. 171.47 quintals of PDS rice to the Government to that of 40%, while upholding the impugned judgment in respect of imposition of 25% of bank guarantee on the owner of the lorry.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

August 28, 2015.
KTL