

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1538 OF 2015

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ORDER:

This Criminal Revision Case is filed against judgment, dated 30.09.2014, passed in CrI.A. No.182 of 2014, by the Sessions Judge, Guntur, wherein the learned Sessions Judge modified the order, dated 08.03.2014, passed in E.C.Act Case No.265/2012-S7 by the Joint Collector & Additional District Magistrate, Guntur.

The brief facts of the case are that the Mandal Agricultural Officer, Rajupalem, along with the Vigilance & Enforcement Officials, Guntur, inspected the business premises and godowns of the petitioner - M/s.Sri Tirumala Fertilizers, Rajupalem Mangal, Guntur District, and verified the ground stock with the book balance and found shortage of 27 bags of NFCL Urea. As the petitioner has not properly replied regarding shortage of stock, the Mandal Agricultural Officer has seized the available 586.00 quintals of Urea in 1172 bags, each weighing 50 kgs., worth Rs.3,29,332/- and handed it over to the Village Revenue Officer for safe custody and filed a report under Section 6-A of the Essential Commodities Act before the Joint Collector & Additional District Magistrate, Guntur.

The Joint Collector having found prima facie case against the petitioner, issued a show cause notice to him, to which though the petitioner has not submitted any reply, he was represented through an advocate before the Joint Collector and after considering the arguments, the Joint Collector ordered for confiscation of the entire seized stock i.e. 586 quintals of NFCL Urea to the Government. Aggrieved by the same, the petitioner filed CrI.A. NO.182 of 2014 before the Sessions Judge, Guntur, and the learned Sessions Judge, after hearing the arguments and considering the material on record, allowed the appeal in part vide impugned judgment, dated 30.09.2014,

and modified the penalty of 100% confiscation to 50% and also directed the petitioner to deposit the value of variation of stock i.e. 27 bags of Urea, amounting to Rs.7,587/-. Challenging the same, the present revision is filed.

Learned counsel for the petitioner submits that the learned Sessions Judge erred in confiscating 50% of the seized stock, as the inspection was done at 5.00 p.m., within the business hours, whereas the stock register would be updated at the time of closure of the business, and in the meantime, 27 bags having been sold, there the deficit has occurred.

After perusing the entire material available on record and after hearing the submissions made by the learned counsel for the petitioner, 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 30.09.2014, insofar as it relates to the confiscation of 50% of the seized stock of 1172 bags to that of 20% only, while upholding the impugned judgment in all other aspects.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

August 28, 2015.
KTL