

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2335 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the Judgment dated 29.7.2015 passed in E.C. Appeal No.21 of 2014 by the Sessions Judge, Krishna Division, Machilipatnam.

2. Brief facts of the case are as follows:

On 1.5.2013 at 10 a.m., Special Deputy Tahsildar (PDS) Nandigama along with Circle Inspector of Vigilance and Enforcement Department inspected the rice mill of the petitioner and verified the stock and found variations in the stock. Then, the inspecting authorities seized the stock and submitted a report under Section 6 A of the E.C. Act to the Collector, Krishna, Machilipatnam. The Collector after following necessary formalities and after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of 25% value of the seized stock to the Government. Aggrieved by the same, the petitioner filed appeal i.e., E.C. Appeal No.21 of 2014 before the learned Sessions Judge, Krishna Division, Machilipatnam. On re-appreciation of evidence, the learned Sessions Judge dismissed the appeal. While dismissing the appeal, the learned Sessions Judge modified the order of confiscation of 25% value of the seized stock to that of 10%. Being not satisfied with the judgment of the learned Sessions Judge, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the judgment under appeal, it is evident that variations were found in the stock in the rice mill of the petitioner. Considering the facts and circumstances of the case and in view of the concurrent findings of both the authorities with regard to the variations found in the stock of the petitioner's mill, this Court is not inclined to interfere with the judgment under revision.

5. At this stage, the learned Counsel for the petitioner prayed for modification of confiscation of 10% value of the seized stock to that of payment of Rs.3,00,000/-.

6. Taking into consideration the above submission made by the learned Counsel for the petitioner, the order of the lower appellate Court i.e., confiscation of 10% value of the seized stock is modified to that of payment of amount of Rs.3,00,000/- to the Government.

7. With the above modification, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 9.10.2015

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