

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2241 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioners aggrieved by the Judgment dated 3.7.2015 passed in CrI.A.No.55 of 2014 by the Principal Sessions Judge, Visakhapatnam.

2. Brief facts of the case are as follows:

The Assistant Supply Officer, Visakhapatnam Division on 6.2.2014 along with Assistant Collector (Trainee) and the RDO, Anakapalle surprised the mill premises of the petitioners and found variations in the stock. As there were irregularities in the business, the officials seized the stock and submitted a report under Section 6 A of the E.C. Act to the Collector, Visakhapatnam. The Collector after following necessary formalities and after conducting enquiry, rejected the explanation of the petitioners and passed orders for confiscation of 60% of the stock seized from the petitioners' rice mill to the Government. Aggrieved by the same, the petitioners filed appeal i.e., CrI.A.No.55 of 2014 before the learned Principal Sessions Judge, Visakhapatnam. On re-appreciation of evidence, the learned Sessions Judge while sustaining the findings of the Collector, partly allowed the appeal modifying the confiscation of 60% of the seized stock ordered by the Collector to that of 30% of the seized stock. Being not satisfied with the judgment of the learned Sessions Judge, the petitioners 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 of the petitioners' mill. 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 petitioners' mill, this Court is not inclined to interfere with the judgment under revision.

5. At this stage, the learned Counsel for the petitioners prayed for modification of confiscation of 30% of the seized stock.

6. Taking into consideration the above submission made by the learned Counsel for the petitioners, the order of the lower appellate Court i.e., confiscation of 30% of the seized stock is modified to that of 15% of the seized stock. The remaining seized stock shall be returned to the petitioners.

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: 6.10.2015

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