

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1891 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the Judgment dated 19.6.2015 passed in CrI.A.No.258 of 2014 by the Principal Sessions Judge, Rajahmundry, East Godavari District.

2. Brief facts of the case are as follows:

On receipt of credible information on 10.12.2013 that the petitioner is indulging in clandestine business, the Grain Purchasing Assistant, Kakinada and C.S. Deputy Tahsildar, Karapa along with Vigilance & Endorsement Officials, Rajahmundry and mediators surprised M/s. Godavari Enterprises and found variations in the stock. It was also found that the petitioner failed to maintain proper accounts contravening the provisions of Clause 18(2)(c) of A.P. Scheduled Commodities Dealers (Licensing, Storage & Regulation) Order, 2008, Conditions 3,4 of Form-B Licence issued under A.P. Scheduled Commodities Dealers (Licensing, Storage & Regulation) Order, 2008 and Clause 16(1) of A.P. Rice Procurement (Levy) Order, 1984. Hence, a complaint under Section 6 A of the Essential Commodities Act was filed. The District Collector after following necessary formalities and after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of 15% of the value of total seized stock to Government. Aggrieved by the same, the petitioner filed an appeal i.e., CrI.A.No.258 of 2014 before the learned Sessions Judge, Rajahmundry. The learned Sessions Judge partly allowed the appeal modifying the confiscation of 15% of the value of the total seized stock ordered by the District Collector to that of 15% of the value of the total seized stock of rice only. Being not satisfied with the order 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 the variations were found in paddy, rice and broken rice. But the variations in paddy and broken rice are below the permissible limit. The trial Court accepted the said explanation. However, as there is variation in rice, the trial Court ordered confiscation of 15% of the value of the total seized stock. The lower appellate Court having found that the order of the trial Court directing confiscation of rice along with paddy and broken rice is erroneous, set aside the order of the Collector to the extent of 15% of the value of the total seized stock, while directing to confiscate 15% of the value of the total seized stock of rice only.

5. In the facts and circumstances of the case and in view of the findings of the lower appellate Court as to the variation in rice, this Court is not inclined to interfere with the judgment under revision.

6. At this stage, the learned Counsel for the petitioner submitted that the petitioner is a petty trader and that the order of the confiscation of 15% of the value of the seized stock of rice may be modified.

7. 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 15% of the value of the total seized stock of rice is modified to that of 10% of the value of the total seized stock of rice. The remaining value of the seized stock/bank guarantee for the amount in excess to 10% of the value of the total seized stock of rice, shall be returned to the petitioner.

8. 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: 7.9.2015

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