

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2177 OF 2015

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ORDER:

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The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the Order dated 06.08.2015 passed in E.C.Appeal No.131 of 2014 by the Court of the Sessions Judge, Krishna Division, Machilipatnam, whereby the learned Judge confirmed the order dated 29.08.2014 in E.C.P.No.156 of 2014, passed by the District Collector, Krishna, at Machilipatnam, however, reduced the percentage of seized stocks to 10% from 15%.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner has not committed any irregularities and in any event, the confiscation of 10% of the seized stocks is excessive in nature and as such, prays for reduction of percentage of confiscation of seized stock.

This Court, normally, is not inclined to interfere with the concurrent findings of the District Collector as well as the lower appellate Court. However, this Court feels that the confiscation is excessive in nature and as such, inclined to reduce the confiscation of seized stocks to an extent of Rs.2,00,000/- (Rupees two lakhs only).

Considering the facts and circumstances of the case, this Court directs the confiscating authority to confiscate the value of the stocks seized to an extent of Rs.2,00,000/- (Rupees two lakhs only). It is made clear that if the said seized stocks were already sold by the competent authority, the remaining value of the seized stocks shall be paid to the petitioner.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

01.10.2015

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