

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1040 of 2015

ORDER:

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1. This Criminal Revision Case is filed by the petitioner challenging the judgment dated 15.4.2014 in CrI.A.No.34 of 2013 on the file of the Principal Sessions Judge, Warangal.

2. Brief facts of the case are as follows:

On 8.1.2013 and 9.1.2013, a team consisting of trainee Assistant Collector, Warangal; District Supply Officer, Warangal and other Civil Supply Officers, inspected the rice mill –M/s. Meenakshi Enterprises at Chinthagattu Village of Hasanparthy Mandal and found that the lease holder of the mill viz., petitioner herein did not record the stock available properly in the concerned registers. They found variations also in the stock. Being not satisfied with the explanation offered by the petitioner, a complaint was filed before the District Collector Warangal. The stock was seized and handed over to a third party for safe custody. After following necessary formalities and after conducting enquiry, the District Collector passed orders directing confiscation of 5% of the value of the seized stock. Aggrieved by the same, the petitioner filed CrI.A.No.34 of 2013 before the Principal Sessions Judge, Warangal. The learned Principal Sessions Judge dismissed the appeal confirming the orders of the District Collector. Hence, the petitioner approached this Court by way of filing this revision.

3. Heard and perused the material available on record.

4. On a perusal of the material available on record, it is obvious that the petitioner did not maintain accounts properly in respect of huge quantity of commodities found in the rice mill and that there was no

proper explanation from the petitioner for keeping such huge stock in his mill. On appreciation of facts and circumstances of the case, the lower appellate Court having observed that the confiscation ordered by the District Collector is appropriate, confirmed the order of the District Collector. On perusal of the entire material on record, this Court finds no illegality or irregularity in the judgment passed by the lower appellate Court. But however, in the circumstances of the case, this Court is inclined to modify the orders of both the authorities below insofar as the confiscation of 5% is concerned.

5. Accordingly, the order passed by the District Collector ordering confiscation of 5% value of the seized stock and confirmed by the lower appellate Court is modified as follows:

“The petitioner is directed to pay an amount of Rs.1,66,274/- to the State Government instead of confiscation of 5% value of the seized stock.”

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

JUSTICE RAJA ELANGO

22nd June, 2015

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