THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1852 of 2013

JUDGMENT:

This Criminal Revision Case is filed by the petitioner aggrieved by the judgment, dated 26.07.2013, passed in Crl.A.No.25 of 2013 by the Principal Sessions Judge, Ranga Reddy District.

Brief facts of the case are as follows:

The Assistant Supply Officer, Circle No.II, Uppal – 2nd respondent, inspected the shop of the petitioner i.e., M/s. Shiva's Market, on 17.10.2012 and found excess ground stock of 25.39 kgs., of sona masoori rice from the Stock Register. Hence, the 2nd respondent seized the entire stock available in the shop of the petitioner. Petitioner filed objection petition before the Joint Collector – 1st respondent. The

1st respondent issued show cause notice to the petitioner. The petitioner submitted his detailed explanation. Without taking into consideration the explanation submitted by the petitioner, the

1st respondent confiscated 100% of the seized stock of the petitioner vide order, dated 05.02.2013. Challenging the same, the petitioner filed Crl.A. No.25 of 2013 before the Principal Sessions Judge, Ranga Reddy District. The learned Sessions Judge while dismissing the appeal, reduced the confiscation from 100% of the seized stock to 25% of the seized stock. Aggrieved over the same, this revision is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submitted that the petitioner is a licence holder for running rice shop and he purchased the stock of rice under valid bill and without taking into consideration the explanation submitted by the petitioner and also without taking into consideration the value of the excess rice, the appellate Court ordered for confiscation of 25% of the seized stock.

From a perusal of the material on record, it is evident that there is variation of stock of rice from the book balance to the ground balance. In the above circumstances and in view of the concurrent findings of both the authorities below, this Court is not inclined to interfere with the judgment under revision.

At this stage, the learned Counsel for the petitioner submitted that the petitioner is a petty trader and therefore, the confiscation of 25% value of the seized stock may be reduced.

Taking into consideration the above submission made by the learned Counsel for the petitioner, the authorities concerned are directed to confiscate 15% value of the seized stock to the Government and return the remaining 85% value of the seized stock to the petitioner.

Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

December 04, 2015
KTL