

HON'BLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.2132 of 2014

ORDER:

This revision is preferred challenging the judgment dated 11-04-2014 in Criminal Appeal No.205 of 2013 on the file of the Court of the Sessions Judge, Rajahmundry, wherein and whereby the learned Sessions Judge dismissed the appeal filed by the petitioners against the order dated 29-11-2012 made in Ref : V12/CS/96/2011 on the file of the Court of the Collector & District Magistrate, East Godavari, Kakinada.

The learned counsel for the petitioners submits that the Pulses Control Order stipulates 4% or 10 quintals over the total stock is the permissible limit and the variation in the case on hand is only 1% and as such, the confiscation of 25% of the seized quantity of Dal is contrary to the Control Order. It is further submitted that the confiscation of the seized stock is unsustainable when the allegation is mere irregularity, but not illegality. It is further submitted that the variation in the stock at the time of inspection is well within permissible limits.

Having heard the learned counsel for the petitioners and the Public Prosecutor and after perusing the material available on record, this Court is of the considered view that the confiscation of 10% of total seized quantity of 48 quintals of Dal to the Government would be appropriate.

Accordingly, the Criminal Revision Case is disposed of modifying the order of penalty from 25% confiscation of stocks to that of 10% confiscation of stocks.

Miscellaneous petitions filed in this revision, if any, shall stand closed.

RAJA ELANGO, J.

16th June, 2015

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