

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2547 OF 2014

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ORDER:

This Criminal Revision Case is filed against order, dated 20.10.2014, passed in CrI.A. No.130 of 2014, by the VI Additional Sessions Judge, Kurnoorl, wherein the learned Sessions Judge modified the order, dated 10.07.2014, passed in Rc.No.CS1/EC/No.49/2014 by the District Collector, Kurnool.

The brief facts of the case are that the Tahsildar, Allagadda submitted a report under Section 6-A of the Essential Commodities Act, to the District Collector, Kurnool stating that he inspected M/s.Guru Raghavendra Rice Mil, Allagadda and asked the Proprietor to produce the stock registers and records, and on production of records, he found difference of 312.50 quintals paddy and 227 quintals of rice between the physical stock and the entries in the stock register. Then they seized the stock and handed over the same to the Proprietor for safe custody. Thereafter, the District Collector found prima facie case against the petitioner and issued show cause notice to the petitioner. After considering the explanation, submitted by the petitioner, the District Collector passed release of the stock seized by confiscating 30% of the stock seized, amounting to Rs.26,11,440/-, against which the petitioner filed an appeal before the Principal Sessions Judge, Kurnool and the learned Sessions Judge allowed the appeal in part and modified the penalty of confiscation of 30% of the value of the entire seized stock amounting to Rs.26,11,440/- to that of 30% of the value of the variation stock. Aggrieved by the same, the present revision is filed.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the learned Sessions Judge is erred in confiscating the value of variation stock

and the Vigilance Department never found any irregularly in the rice mill of the petitioner in any of its inspections and requested for setting aside the confiscation ordered by the lower appellate Court.

After perusing the entire material available on record and after hearing the submission made by the learned counsel for the petitioner, this Court is of the view that the confiscation imposed by the learned Sessions Judge can be reduced.

Accordingly, the Criminal Revision Case is partly allowed and the order, dated 20.10.2014, passed in CrI.A. No.130 of 2014, by the VI Additional Sessions Judge, Kurnoorl is modified and the petitioner is directed to confiscate 15% of the value of the variation stock. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 11, 2015.
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