

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1776 of 2015

ORDER:

This revision is preferred challenging the judgment dated 16-06-2015 in Criminal Appeal No.19 of 2014 on the file of the Principal Sessions Judge, Ranga Reddy District, wherein and whereby the learned Sessions Judge dismissed the appeal filed by the petitioners by reducing the confiscation of 75% of the seized stocks to that of 25% of the seized stocks and also the penalty on the lorry from Rs.25,000/- to Rs.10,000/-.

2. Brief facts of the case are as follows:

On information about detention of a lorry with suspected PDS rice near Tondupally village of Shamshabad by the Vigilance & Enforcement officials, the Assistant Civil Supply Officer, Chevella Division, Ranga Reddy District, visited the spot and found a lorry bearing registration No.AP 22V 6789 loaded with 340 bags of rice. On enquiry, the driver revealed that the lorry belongs to the 2nd petitioner, who is a fair price shop dealer, and on his instructions only he is transporting the said stock to Makthal, Mahaboobnagar District. He also showed the Invoice in the name of M/s.SLN Traders. Hence, the Assistant Civil Supply Officer seized the lorry with stock of rice and reported the same to the District Collector (CS), R.R.District. The District Collector after conducting enquiry, ordered confiscation of 75% of the seized stock and imposed penalty of Rs.25,000/- on the seized lorry. Aggrieved by the same, the petitioner filed CrI.A.No.19 of 2014 before the Principal Sessions Judge at Ranga Reddy District. The learned Sessions Judge dismissed the appeal by modifying the confiscation of the seized stock from 75% to 25% and also reducing the penalty of Rs.25,000/- imposed on the lorry to Rs.10,000/-. Against the same, the petitioners filed this revision.

The learned counsel for the petitioners submits that the petitioners have not contravened any of the control order passed under Section 3 of the Essential Commodities Act and also clause 17A of the A.P. State Public Distribution System (Control) Order 2008 and even though there is no charge against the 2nd petitioner, who is the owner of the lorry, penalty was imposed on the lorry.

Having heard the learned counsel for the petitioners and the learned Public Prosecutor and after perusing the material available on record, this Court is of the considered view that the confiscation of 15% of the seized stocks and also penalty of Rs.5,000/- on the lorry would be appropriate.

Accordingly, the Criminal Revision Case is disposed of modifying the judgment of the Principal Sessions Judge in Crl.A. No.19 of 2014, dated 16.06.2015 by reducing the confiscation of 25% of the seized stock to 15% of the seized stock and also reducing the penalty on the seized lorry from Rs.10,000/- to Rs.5,000/-.

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

RAJA ELANGO, J

August 28, 2015
KTL