

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1769 OF 2015

ORDER:

The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.) being aggrieved by the Order dated 15.04.2015 passed in C.M.A.No.37 of 2014 by the Hon'ble I Additional District Judge, West Godavari District, Eluru, whereby the learned District Judge modified the order dated 26.07.2014 in Roc.No.CS1/39/ECA/2014, passed by the District Collector, West Godavari, Eluru, and reduced the percentage of seized stocks to 7% from 15%.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner has not committed any irregularities and in any event, the confiscation of 7% of the seized stocks is excessive in nature and as such, prays for reduction of percentage of confiscation of seized stock.

This Court, normally, is not inclined to interfere with the concurrent findings of the District Collector as well as the lower appellate Court. However, this Court feels that the confiscation is excessive in nature and as such, inclined to reduce the percentage of confiscation of seized stocks.

Considering the facts and circumstances of the case, this Court directs the confiscating authority to confiscate 3.5% of the value of the stocks seized from the petitioner. It is made clear that if the said seized stocks were already sold by the competent authority, 96.5% of the value of the seized stocks shall be paid to the petitioner.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

31.08.2015

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