

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.598 of 2015

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ORDER :

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), against the judgment dated 02.03.2015 passed in Crl.A.No.61 of 2014 on the file of the Principal Sessions Judge, Visakhapatnam, confirming the order dated 06.09.2014 passed in S.R.No.176 of 2014 on the file of the District Collector, Visakhapatnam.

The facts of the case are as under:

The first petitioner is the proprietor of Sri Gowri Sakara Traders, Ambedkarnagar, Arilova, Visakhapatnam City and District and the second petitioner is the husband of the first petitioner. When the authorities inspected the premises, certain variations were found in the registers as well as in the ground stock. Hence, they seized the stock and initiated proceedings under Section 6-A of the Essential Commodities Act and an explanation was called for from the petitioners herein. The District Collector, after holding an enquiry, rejected the contentions put forth by the petitioners in their explanation, and ordered confiscation of 40% of the stock. The said order was questioned by filing an appeal viz., Crl.A.No.61 of 2014 before the Principal Sessions Judge, Visakhapatnam. The learned Principal Sessions Judge, by his judgment, dated 02.03.2015, partly allowed the appeal and further reduced the confiscation ordered by the District Collector from 40% to 20%. Aggrieved by the same, the present revision is preferred by the petitioners.

Learned counsel for the petitioners submits that the quantum of confiscation ordered by the Collector and reduced by the lower appellate Court is on the higher side and the same may be reduced.

Learned Public Prosecutor appearing for the State, opposed the same.

Heard and perused the material available on record.

On a perusal of the material available on record, it is obvious that excess quantity of rice was found in the mill as against the records maintained by the petitioners. On appreciation of facts and circumstances of the case, the lower appellate Court having observed that the confiscation ordered by the District Collector is excessive and disproportionate to the violation alleged, modified the order of the District Collector by reducing the confiscation of stock from 40% to 20%. This Court finds no illegality or irregularity in the judgment passed by the lower appellate Court. But, however, in the circumstances of the case, this Court is inclined to reduce the said confiscation from 20% to 12%.

With the above modification, the Criminal Revision Case is disposed of.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

15.04.2015

vhb