

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1836 OF 2016

ORDER:

This Criminal Revision Case is filed against judgment, dated 20.01.2016, passed in Crl.A. No.89 of 2015, by the Principal Sessions Judge, Warangal, whereby the learned Sessions Judge modified the order, dated 07.10.2015, passed in E.C.Act Case No.202 of 2015 by the District Collector, Warangal.

The brief facts of the case are that on a reliable information and as per the instructions of the Joint Collector, Warangal, the Assistant Supply Officer, Janagaon; Assistant Supply Officer, Mahabubabad and the Deputy Tahsildar, Narsampet, along with the mediators, inspected the business premises of M/s.Jaya Durga Enterprises, during which time one person was present in the shop attending to the business transactions and on enquiry by the officials, he disclosed that he is the owner of that shop. On verification of the ground stock with the book balance, the officials found that there was variation in the stock. As the petitioner has not properly replied regarding variation in the stock, the officials seized entire stock available on ground worth Rs.12,96,500/- and gave it to the another shop owner for safe custody and filed a report under Section 6-A of the Essential Commodities Act before the District Collector, Warangal.

The District Collector, Warangal, having found prima facie case against the petitioner, issued a show cause notice to him, to which the petitioner submitted an explanation and he was represented through an advocate before the Collector. After considering the arguments, the District Collector ordered for confiscation of Rs.6,48,250/- (i.e. 50% of the seized stock) to the Government. Aggrieved by the same, the petitioner filed Crl.A. No.89 of 2015 before the Principal Sessions Judge, Warangal, and the learned Sessions Judge, after hearing the arguments and considering the material on record, allowed the appeal in part vide judgment, dated 20.01.2016, and modified the confiscation

to a tune of 10% of the value of the variation in stock, worth to Rs.86,275/- (10% of Rs.8,62,750/- which comes to Rs.86,275/-). Challenging 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 erred in confiscating 10% of the value of stock in variance, as the petitioner sells the pulses/dall to various retailers on credit basis and some of the retailers may return the stock for various reasons and that the Accountant will close the accounts at the end of the day, but as the officials visited the shop during day time, they noticed variation in the stock.

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

Accordingly, the Criminal Revision Case is disposed of, modifying the judgment, dated 20.01.2016, passed in Crl.A. No.89 of 2015 by the Principal Sessions Judge, Warangal, directing confiscation of the amount of Rs.86,275/- towards 10% of the value of stock in variance, is reduced to that of confiscation of an amount of Rs.50,000/-, while directing to return the remaining value of the stock to the petitioner.

Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

July 15, 2016.
KTL