

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

CRIMINAL REVISION CASE No.322 of 2014

Between:

Srinivasa Trading Company, Fertilizers & General Merchants
Gandhi Gunj, Kamareddy, rep., by S. Rajesham.
..Petitioner

And

1. State of Andhra Pradesh rep., by its Public Prosecutor
High Court at Hyderabad and another.
..Respondents.

DATE OF JUDGMENT PRONOUNCED: 24.7.2015

SUBMITTED FOR APPROVAL:

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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1. Whether Reporters of Local newspapers may be Allowed to see the judgments? :: Yes/No
 2. Whether the copies of judgment may be marked To Law Reporters/Journals :: Yes/No
 3. Whether Their Ladyship/Lordship wish to see the fair copy of Judgment? :: Yes/No

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.322 of 2014

JUDGMENT:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the judgment dated 28.2.2013 passed in CrI.A.No.70 of 2012 by the Sessions Judge, Nizamabad.

2. Brief facts of the case are as follows:

On credible information about sale of fertilizers at higher price, the Mandal Agriculture Officer, Kamareddy, inspected the premises of the petitioner-M/s. Srinivasa Trading Company on 20.6.2012 and found the owner of that company selling the fertilizers to the farmers at higher rates. On enquiry, it was revealed that he had sold Gromor 20:20:0 at Rs.930/-. But the M.R.P. of the said Gromor is Rs.777.50 ps. Hence, the same was reported to the Joint Collector and the stock was seized. The Joint Collector after conducting enquiry, ordered confiscation of the seized goods. Aggrieved by the same, the petitioner filed CrI.A.No.70 of 2012 before the Sessions Judge at Nizamabad. The learned Sessions Judge dismissed the appeal. Hence, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. The petitioner mainly disputed the procedure adopted by the authorities in seizing the goods and in conducting inspection. In the judgment under revision, it is clearly observed that the Mandal Agriculture Officer was appointed as Fertilizers Inspector by issuance

of a notification and therefore, his competency to inspect the company cannot be disputed.

5. Further, from the material on record, it is evident that the statement of a farmer viz., One Ashok Reddy clearly establishes that excess amount was taken for the goods sold by the owner of the petitioner-company. Further, the material on record goes to show that there are discrepancies in the bill book and stock registers. In all the above aspects, the findings of both the authorities are concurrent. Nothing was adduced by the petitioner to disprove the case of the prosecution.

6. In the above circumstances and in view of the concurrent findings of both the authorities below, this Court is not inclined to interfere with the judgment under revision.

7. At this stage, the learned Counsel for the petitioner submitted that the petitioner is a petty trader and therefore, the confiscation of 100% value of the seized stock may be reduced.

8. Taking into consideration the above submission made by the learned Counsel for the petitioner, the authorities concerned are directed to confiscate 25% value of the seized stock to the Government and return the remaining 75% value of the seized stock to the petitioner.

9. Accordingly, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 24th July, 2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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