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

Criminal Revision Case No.1441 of 2013

Between :-

M/s.Srinivasa Agencies,
Chapalvari Street,
Guntur,
Rep.by its Prop.Chalapathi Rao .. Petitioner

And

The State of A.P.,
Rep.by Public Prosecutor,
High Court, Hyderabad
And another .. Respondents

DATE OF JUDGMENT PRONOUNCED: 23rd July, 2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

1. Whether Reporters of Local Newspapers may be allowed to see the Judgment? Yes/No

2. Whether the copies of Judgment may be marked to Law Reporters/Journals Yes/No

3. Whether His Lordship wish to see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE M.S.K.JAISWAL

Criminal Revision Case No.1441 of 2013

ORDER:-

The petitioner, who is said to be the proprietor of M/s.Srinivasa Agencies, Guntur is the respondent No.3 in E.C.Act case No.182/2012-S7, dated 20-10-2012, before the Collector and District Magistrate, Guntur, and appellant in Criminal Appeal No.404 of 2012 on the file of the Sessions Judge, Guntur.

This a case of seizure of 998 packets of JADOO Cotton seed from 1st platform, Railway Station, Guntur, by the Seeds Inspector and Agricultural Officer, Guntur, as the 1st respondent Company is selling the seed stock to the farmers through the 2nd respondent and the 3rd respondent at higher rate than the MRP fixed by the Government. The complainant filed a report before the Collector with a request to confiscate the entire seized stock to the Government.

On receipt of the notices, respondents No.1 and 3 filed written explanations. The 3rd respondent contended that he is no way concerned with the printing of excess rates than the MRP rates on the packets, as the rates on the packets were printed by the 1st respondent.

The Collector and District Magistrate, Guntur, after considering the material on record, by Order dated 20-10-2012 directed to confiscate 50% of seized stock to the Government and to release 50% value of the seized stocks to the 3rd respondent.

Aggrieved by the said orders, the petitioner preferred Criminal Appeal No.404 of 2012 on the file of the Sessions Judge, Guntur, and by Judgment, dated 18-02-2013, the learned Sessions Judge after taking into consideration the totality of the facts and circumstances of the case, allowed the appeal in part while confirming the order of the Collector and District Magistrate, Guntur, but reducing the confiscation order of seized stock from 50% to 25%.

The petitioner preferred the present revision contending that the authorities erred in not considering the material on record in proper perspective and therefore the orders need to be set aside.

Learned Public Prosecutor submits that both the authorities have discussed all the aspects in detail and came to the right conclusion and therefore the revision is liable to be dismissed.

It is evident from the material available on record that the 2nd respondent supplied the cotton seed to the 3rd respondent produced by the 1st respondent printing MRP at Rs.930/- instead of Rs.862/-, and it is a violation committed by the respondents 1 and 2, and the 3rd did not produce any bills in support of his claim. Learned Counsel submits that the orders passed by the learned Collector and District Magistrate, Guntur, confiscating 50% of the value of the seized stock was excessive. However, in appeal, the Sessions Judge, Guntur, has reduced the confiscation from 50% to 25% and the learned Counsel submits that for the mistake committed by the others, directing the seizure of 25% of the value of the stock is excessive. Taking into consideration the fact that the petitioner/respondent was a licensed trader of Seeds, and he is no way concerned with the printing of MRP, I feel that the ends of justice would met if 10% of the total seized stock is confiscated to the Government as against 25% ordered by the learned Sessions Judge while returning 90% of the seized stock to the petitioner/respondent. Subject to this modification, the revision case is liable to be dismissed. The point is answered accordingly.

In the result, the revision is partly allowed while confirming the order of the authorities below, it is directed that 10% of the seized stock may be confiscated to the Government while releasing the remaining stock or value thereof in favour of the petitioner/respondent No.3.

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

M.S.K.Jaiswal, J

23rd July, 2015
Smr/kvrm