

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2180 of 2015

ORDER:

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This Criminal Revision Case is filed by the petitioner aggrieved by the judgment dated 05.08.2015 passed in E.C.Appeal No.129 of 2014 by the Sessions Judge, Krishna Division, Machilipatnam where under and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the order dated 31.08.2014 made in E.C.P.No.263 of 2013 passed by the District Collector, Krishna, Machilipatnam.

2. Brief facts of the case are as follows:

On 26.7.2013, at 10.00 a.m., the UD Checking Inspector, Office of the Assistant Supply Officer, Circle-2, Vijayawada along with Vigilance and Enforcement Officials, Vijayawada inspected the rice shop of the petitioner and found variations in the stock of rice. Further, they found availability of quintals of Basmati rice and Sona Masuri rice. They also found that the petitioner was not maintaining the registers properly. Thus, the petitioner violated Clause 18(2)(c) of the A.P. Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008. As there were irregularities in the business of the petitioner, the officials seized the stock and submitted a report under Section 6 A (1) of the E.C. Act to the Collector, Krishna, Machilipatnam. The Collector, after following necessary formalities and after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of 25% of the stock seized from the petitioner's shop to the Government. Aggrieved by the same, the petitioner filed appeal i.e., E.C.A.No.129 of 2014 before the learned Sessions Judge, Krishna Division, Machilipatnam. On re-appreciation of evidence, the learned Sessions Judge dismissed the appeal. But, the learned Sessions Judge reduced the value of the stock ordered for confiscation from 25% to 10%. Being not satisfied with the judgment of the learned Sessions Judge, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the judgment under appeal, it is evident that variations were found in the stock of the petitioner's shop. Considering the facts and circumstances of the case and in view of the concurrent findings of both the authorities with regard to the variations found in the stock of the petitioner's shop, this Court is not inclined to interfere with the judgment under revision.

5. At this stage, learned counsel for the petitioner prayed for modification of confiscation of 10% of the seized stock.

6. Taking into consideration the above submission made by learned counsel for the petitioner, the order of the lower appellate Court i.e., value of the stock ordered for confiscation to the State is reduced from 10% to 5%. The remaining seized stock shall be returned to the petitioner.

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

8. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

26.10.2015
AMD

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