

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2088 OF 2015

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ORDER:

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The petitioner has preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.), being aggrieved by the Order dated 17.07.2015 passed in C.M.A.No11 of 2014 by the I Additional District Judge, West Godavari District, Eluru, whereby the learned District Judge modified the order dated 23.12.2013 in Roc.No.CSI/4/ECA/2013, passed by the District Collector, West Godavari, Eluru, and reduced the percentage of seized stocks to 50% from 100% and to 10% from 25% on the vehicle.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petitioner has not committed any irregularities and in any event, the confiscation of 50% of the seized stocks and 10% on the vehicle are excessive in nature and as such, prays for reduction of percentage of confiscation of seized stock and on the vehicle.

This Court, normally, is not inclined to interfere with the concurrent findings of the District Collector as well as the lower appellate Court. However, this Court feels that the confiscation of seized stocks is excessive in nature and as such, inclined to reduce the percentage of confiscation of seized stocks. However, this Court is not inclined to interfere with the percentage of confiscation on the vehicle.

Considering the facts and circumstances of the case, this Court directs the confiscating authority to confiscate 25% of the value of the stocks seized from the petitioner. It is made clear that if the said seized stocks were already sold by the competent authority, 75% of the value of the seized stocks shall be paid to the petitioner.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

05.10.2015

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