

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.949 OF 2015

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ORDER:

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This Criminal Revision Case is filed by the petitioner against the judgment of the Sessions Judge, Guntur in CrI.A.No.229 of 2014 dated 24.10.2014 whereby the learned Sessions Judge partly allowed the appeal and reduced the confiscation of stock from 50% to 25%. Originally, the Collector and District Magistrate, Guntur by order dated 7.7.2014 in E.C.Act Case No.90/2013-S7 directed for confiscation of 50% of the stock seized from the rice mill of the petitioner herein.

The facts of the case are as follows:

That on 4.3.2013 the Deputy Tahasildar, Civil Supplies, Kakumanu at about 4.00 a.m. on credible information that certain irregularities are being committed in the rice mill owned and being run by the petitioner herein in the name of M/s.Sri Balaji Rice Mill, inspected the premises of the rice mill, that at about 4.30 a.m. they noticed one Tata Ace auto rickshaw bearing No.AP 7TT 4415 with a load of rice bags entered into the rice mill, and that when they stopped and verified the vehicle, they found 24 bags unloaded to the rice mill and 42 bags in the vehicle. On their enquiry, the driver of the vehicle disclosed that he along with another person purchased the rice meant under Public Distribution System ('PDS') from fair price shop dealers and sold the same to the petitioner herein. Thus the petitioner herein alleged to have purchased the rice meant under the PDS scheme through his clerk and after polishing the same, selling it in open market for his personal gain. Hence, the Deputy Tahsildar seized the entire stock of rice available in the rice mill and filed a report under Section 6-A of the Essential Commodities Act, 1955 before the District Collector, Guntur for

confiscation of entire seized stock to the Government.

The District Collector, Guntur by order dated 7.7.2014 ordered for confiscation of entire 33 quintals of non-BPT rice (PDS rice) stocks seized from the auto rickshaw and also ordered for confiscation of 50% of the stock seized from the mill premises. Aggrieved thereby, the petitioner herein filed an appeal before the Sessions Judge, Guntur. The lower appellate Court, by order dated 24.10.2014 reduced the confiscation of stock to 25% from that of 50% seized from the premises of the mill of the petitioner.

Heard and perused the material on record.

The primary authority as well as lower appellate Court after considering the material on record found the petitioner guilty for not keeping records in the premises and for dealing with procurement of PDS rice. The concurrent findings arrived by both the Courts below are based on appreciation of evidence in proper perspective and needs no interference by this Court. However, considering the facts and circumstances of the case, the confiscation of stock is reduced to 10% from that of 25% as ordered by the lower appellate Court.

With the above direction, the revision is disposed of.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

15.06.2015

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