

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1241 OF 2015

ORDER:

This revision is filed by the State aggrieved by the Judgment dated 29.09.2014 passed in Criminal Appeal No.18 of 2014 by the learned Principal Sessions Judge, Kadapa.

Brief facts of the case are as follows:-

On credible information, the Vigilance and Enforcement Officials of Kadapa District along with Enforcement Deputy Tahsildar, Proddatur inspected M/s.Sri Lakshmi Rural Godown, Rajupalem Village on 17.10.2012 in the presence of mediators. At the time of inspection, the proprietor of the said godown was present. During the inspection and verification of the stock, variations were found. Hence, the stocks were seized under the cover of Panchanama. As such, a case was filed. The District Collector after holding an enquiry, ordered confiscation of 7% of the value of the seized stocks to the Government. Challenging the order of the District Collector, the respondent herein filed Criminal Appeal No.18 of 2014 before the Principal Sessions Judge, Kadapa. The learned Sessions Judge allowed the appeal. Aggrieved by the same, the State filed the present appeal.

Heard and perused the material available on record.

From the material available on record, it is obvious that the District Collector passed the order of confiscation on the ground that no claims were filed regarding small quantities of paddy, sunflower, black gram, green gram and Bengal gram commodities found in the godown of the respondent and on the said ground alone, the District Collector confiscated 7% of the value of the stock seized. In the order of the District Collector, it is also clearly stated that the ryots and agriculturists stored their commodities in the godown of the respondent. While observing so, the order passed by the District Collector attributing mala fides against the respondent and

confiscating 7% of the seized stock, is not justifiable. Therefore, this Court feels that the Judgment passed by the lower appellate Court setting aside the order of the District Collector, does not suffer from any illegalities warranting interference by this Court.

The Criminal Revision Case is accordingly dismissed. Consequently, the miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

13.07.2015
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