

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

CRIMINAL REVISION CASE No.2185 of 2014

Between:

Burgula Ramachander
Rao

..Petitioner

And

1. State of Telangana rep., by its Public Prosecutor
High Court at Hyderabad.

..Respondent.

DATE OF JUDGMENT PRONOUNCED: 24.7.2015

SUBMITTED FOR APPROVAL:

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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1. Whether Reporters of Local newspapers may be Allowed to see the judgments? :: Yes/No
 2. Whether the copies of judgment may be marked To Law Reporters/Journals :: Yes/No
 3. Whether Their Ladyship/Lordship wish to see the fair copy of Judgment? :: Yes/No

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2185 of 2014

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the judgment dated 3.9.2014 passed in Crl.A.No.64 of 2014 by the Principal Sessions Judge at Warangal.

2. Brief facts of the case are as follows:

On 8.1.2014, on information from Vigilance and Enforcement Department at Warangal, the respondent-Officers inspected the mill of the appellant and found huge variations in the stock of Grade-A paddy, Grade-A rice, broken rice, superfine paddy, superfine rice and also found that the appellant has not properly maintained the registers. Hence, a complaint under Section 6 A of the Essential Commodities Act was made before the District Collector, Warangal. The District Collector after following necessary formalities and after conducting enquiry rejected the explanation of the petitioner and passed orders directing confiscation of 50% value of the seized stock to the State Government. Aggrieved by the same, the petitioner filed an appeal i.e., Crl.A.No.64 of 2014 before the learned Principal Sessions Judge, Warangal. The learned Sessions Judge dismissed the appeal concurring with the findings of the learned District Collector, Warangal and modifying the extent of value of confiscation from 50% to that of 25%. Challenging the judgment in the appeal, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the material on record, it is evident that the petitioner failed

to maintain the accounts properly and he failed to deliver the rice to the FCI/A.P. State Civil Supplies Corporation Limited as per the rules. After conducting a detailed enquiry, the District Collector found that the petitioner violated the rules under the A.P. Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order 2008 and the A.P. Rice Procurement (Levy) Order, 1984. The learned Sessions Judge also confirmed the findings of the District Collector. However, as the petitioner admitted his violations and undertook to correct himself in respect of violations complained of, the learned Sessions Judge reduced the 50% confiscation ordered by the District Collector to that of 25%.

5. At this stage, the learned Counsel for the petitioner submitted that the petitioner is a petty trader and the confiscation of 25% of value of the seized stock is excessive and that the petitioner may be directed to pay some amount instead of 25% value of seized stock.

6. Taking into consideration, the above submission made by the learned Counsel for the petitioner, the order of the learned Principal Sessions Judge in the above appeal with regard to the confiscation of 25% value of the seized stock, is modified to that of payment of Rs.3,00,000/- to the Government. On payment of Rs.3,00,000/-, 25% of value of the seized stock ordered by the learned Principal Sessions Judge, shall be refunded to the petitioner.

7. With the above modification, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 24th July, 2015

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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CRIMINAL REVISION CASE No.2185 of 2014

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24.7.2015

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