

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1156 of 2016

and

Crl.M.P.No.10175 of 2016

State represented by

1. The District Revenue Officer,
Ariyalur District, Ariyalur.
2. The Inspector of Police,
Civil Supplies CID,
Ariyalur, Trichy.
Crime No.362 of 2014 .. Petitioner/Complainant

vs.

Zahir Hussain

S/o.Kasim

.. Respondent/Accused

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment of learned Principal District and Sessions Judge, Ariyalur, passed in C.A.No.23 of 2015 on 23.02.2016.

For Petitioners : Mr.K.Madhan

Government Advocate [Crl.side]

For Respondent : Mr.K.Kalimuthu

सत्यमेव जयते

O R D E R

This revision arises against the judgment of learned Principal District and Sessions Judge, Ariyalur, passed in C.A.No.23 of 2015 on 23.02.2016.

2. The case in Crime No.362 of 2014 on the file of second petitioner was registered for offences u/s.6(4) of TNSC [RDSCS] Order, 1982 r/w 7(1)a(ii) of Essential Commodities Act, 1955. The first accused in the case is the son-in-law of the respondent. Pursuant to initiation of proceedings u/s.6-A of the Essential Commodities Act, 1955, notice stands served on the respondent as also the accused. The vehicle involved in the

occurrence stood registered in the name of the respondent. First petitioner, after following due procedure, under orders in Na.Ka.S/6580/2014 dated 18.09.2015, required the respondent to pay a sum of Rs.3,10,000/- in lieu of confiscation. Challenging such order, the respondent filed C.A.No.23 of 2015 on the file of learned Principal District and Sessions Judge, Ariyalur, wherein the Appellate Court has directed return of the vehicle to the respondent on his executing a proper muchalika and a bond in a sum of Rs.3,10,000/-. There against, the State has moved the present revision.

3. Heard learned Government Advocate [Crl.side] for State and learned counsel for respondent.

4. This Court straightaway is to inform that there is no power u/s.6-C of the Essential Commodities Act, 1955, for an authority, to pass an order of the nature under challenge. The power u/s.6-C of the Essential Commodities Act, 1955, would only be towards finding the lower authority wrong in his requiring payment of a sum in lieu of confiscation or alternatively the appellate authority may alter the sums payable or modify the compensation imposed. On facts, in the instant case, this Court finds that it has been the contention of respondent that the vehicle was not involved in the commission of offence registered in Crime No.362 of 2014. This Court fails to see how such a contention can be countenanced when as on the date of incident it is an admitted case that the respondent was not the owner of the vehicle and therefore, he could not have any knowledge regards the occurrence. The transfer of registration of a vehicle in favour of respondent subsequent to the commission of offence and commission of offence by his son-in-law cannot be happen chance. The son-in-law/A1, in his confession, has admitted to commission of offence and using the vehicle therefor. In the circumstances, this Court would interfere with the order under challenge.

The Criminal Revision Case is allowed. The judgment of learned Principal District and Sessions Judge, Ariyalur, passed in C.A.No.23 of 2015 on 23.02.2016, is set aside. A well-reasoned approach has been taken by first petitioner under orders in Na.Ka.S/6580/2014 dated 18.09.2015 whereby the respondent was required to effect payment in a sum of Rs.3,10,000/- in lieu of confiscation. Such order shall hold good. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-IV)

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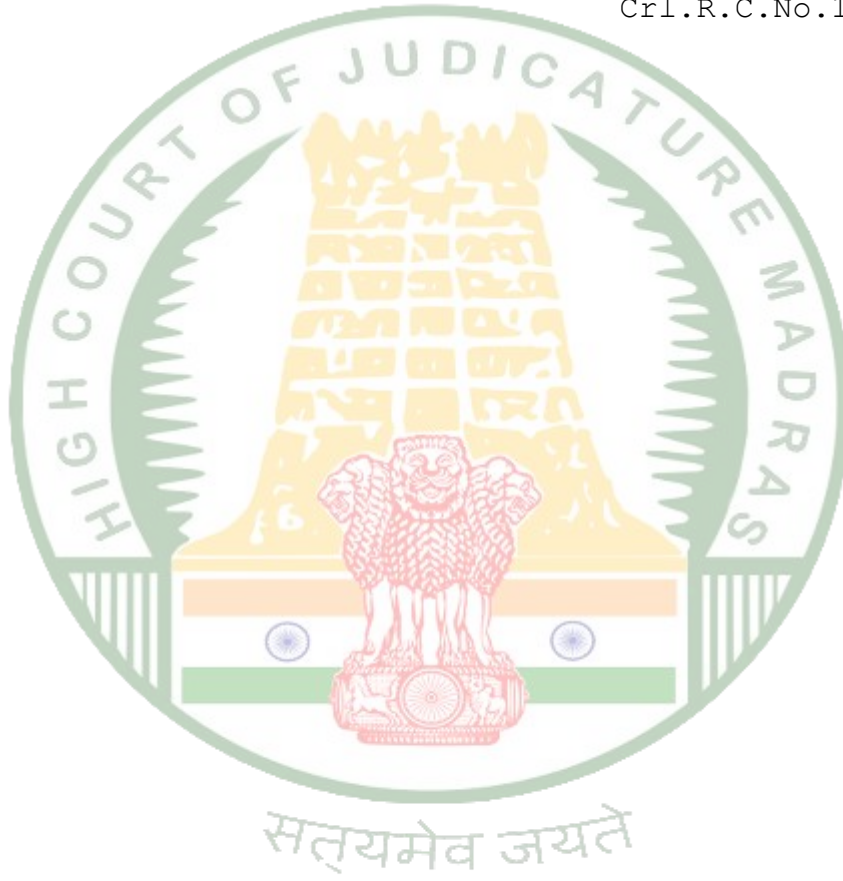
Sub-Assistant Registrar

To

1. The Principal District and Sessions Judge,
Ariyalur.
2. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.1156 of 2016

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