

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL REVISION CASE No.787 of 2016

ORDER :

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), aggrieved by the judgment dated 26.11.2015 passed in CrI.A.No.411 of 2014 on the file of the Sessions Judge, Rajahmundry, wherein and whereunder confiscation of 40% of the value of the seized stock passed by the Joint Collector-cum-Addl. District Magistrate, East Godavari, Kakinada, was confirmed.

The case of the prosecution is that on 15.07.2014 the ASO, Peddapuram, on receipt of credible information, along with vigilance officials, proceeded to Sai Kirana and General Stores, who is doing business in rice with expired FGL license. It is stated that he was in possession of more stocks than the permissible limits and as such violated clause 2(k)(4) and (3) of APSCD (LS & R) Order, 2008. The seized stock were valued at Rs.4,04,725/-. A show cause notice came to be issued to the petitioner herein as to why the entire seized stock should not be confiscated. After hearing both sides, the Collector found that the FGL license expired on 31.03.2014 and that the petitioner herein applied for renewal of license on 22.03.2014, but he failed to submit the challan to the inspecting authorities. The petitioner herein admitted that he did not maintain stock registers, bills, invoices for his business and thereby contravened the conditions of APSCLD (LS & R) Order, 2008 and ordered confiscation of 40% valued of the seized stocks to the Government under Section 6-A of Essential Commodities Act. Aggrieved by the same, the petitioner herein preferred an appeal and the appellate Court dismissed the plea of the petitioner herein

confirming the order passed by the Joint Collector. Challenging the same, this revision came to be filed.

Learned counsel for the petitioner placed on record the challan which shows that he has applied for renewal of license vide challan No.18984 during that period.

But, however, it is to be noted that except the allegation that the petitioner is doing the said business without proper license, there is no other allegation against him.

Having regard to the said circumstances, the order of confiscation of 40% of value of the seized stock is modified to 20%.

With the above modification, the Criminal Revision Case is disposed of.

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

JUSTICE C. PRAVEEN KUMAR

15.03.2016

vhb