

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.752 OF 2016

ORDER:

This Criminal Revision Case is preferred challenging the judgment, dated 8.12.2015, in Criminal Appeal No.153 of 2014 on the file of the Principal Sessions Judge, Kurnool, whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the order, dated 6.7.2014, in Rc.CS1/EC.No.92/2013 passed by the District Collector, Kurnool.

2. On 12.6.2013, the Mandal Revenue Inspector, Yemmiganur along with Vigilance and Enforcement officials inspected M/s.Sree Srinivasa Rice Mill, Yemmiganur belonging to the petitioner and found that there were variations of 316 bags of paddy, 64 bags of rice and 36 bags of broken rice when compared to book balance and ground balance and thereby, the petitioner contravened the conditions of the A.P. Scheduled Commodities Dealer (LS & R) Order, 2008. *Vide* order, dated 6.7.2014, in Rc.CS1/EC.No.92/2013, the District Collector, Kurnool ordered confiscation of the entire stock that was seized from the rice mill of the petitioner. Challenging the same, the petitioner filed Criminal Appeal No.153 of 2014 on the file of the Principal Sessions Judge, Kurnool and the same was dismissed confirming the order of the District Collector. Hence, the petitioner filed the present Revision Case.

3. Learned counsel for the petitioner submits that the learned Sessions Judge ought to have taken into consideration that the notice under Section 6(b) of the Essential Commodities Act, 1955 was not served to the petitioner by the District Collector, Kurnool and that the confiscation of 100% stock seized from the petitioner's mill is a major punishment, which is erroneous and illegal.

4. After perusing the entire material available on record and after hearing the submissions made by the learned counsel for the petitioner, this Court is of the view that the confiscation ordered by the learned District Collector can be reduced.

5. Accordingly, the Criminal Revision Case is disposed of modifying the judgment, dated 8.12.2015, in Criminal Appeal No.153 of 2014 on the file of the Principal Sessions Judge, Kurnool by reducing the confiscation from 100% to 50%.

6. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

4.7.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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