

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.438 of 2008

JUDGMENT:

1. This revision case is filed by the petitioner against the Judgment dated 31.12.2007 passed in CrI.A.No.113 of 2003 by the Sessions Judge, Anantapur.

2. Brief facts of the case are as follows:

The Inspector of Police, Vigilance Cell, Civil Supplies Department, Flying Squad, Tirupathi inspected the FGL shop at D.No.16.6.24 on 15.3.2000 and found variations in the stock and seized the available stock under a cover of panchanama as the petitioner herein and his clerk violated Clause 3 of A.P. Scheduled Commodities Dealers (L & D) Order, 1982, Clause 3 of A.P. Prevention (Hoarding of Food Grains) Order, 1973 r/w Sections 7 and 8 of the Essential Commodities Act and reported the matter to the Joint Collector, Anantapur to initiate action against the petitioner under Section 6-A of the Essential Commodities Act. On receipt of the said report, a notice was issued to the petitioner. The Joint Collector having not satisfied with the explanation of the petitioner, passed orders for confiscation of the entire seized stock food grains to the Government. Aggrieved by the same, the petitioner filed appeal viz., CrI.A.No.113 of 2003 before the Sessions Judge, Anantapur. The learned Sessions Judge dismissed the appeal confirming the order of the Joint Collector. Hence, the petitioner filed this revision.

3. Learned Counsel for the petitioner submitted that both the authorities below failed to see that the revision petitioner was granted licence and he was carrying on business and that the storage of the stock

was within the limit and that the petitioner has not violated any conditions and therefore, the order of the confiscation is not sustainable.

4. Learned Additional Public Prosecutor submitted that the judgment of the lower appellate Court is in accordance with law and it does not warrant any interference.

5. From the material available on record, it is evident that the petitioner possessed huge quantity of food grains than the prescribed limit, with a view to smuggle the same. Both the authorities below after considering the entire material available on record gave concurrent findings as to the violations committed by the petitioner. In view of concurrent findings of both the authorities below, this Court is not inclined to interfere with the judgment under revision.

6. At this stage, the learned Counsel for the petitioner prayed for reducing the quantum of confiscation of the stock.

7. Considering the facts and circumstances of the case and the submission made by the learned Counsel for the petitioner, this Court is inclined to modify the confiscation order.

8. In the result, the order of confiscation of the entire seized stock of food grains is modified to that of 50% of the seized stock. The remaining 50% shall be returned to the petitioner. Rest of the judgment under revision shall remain.

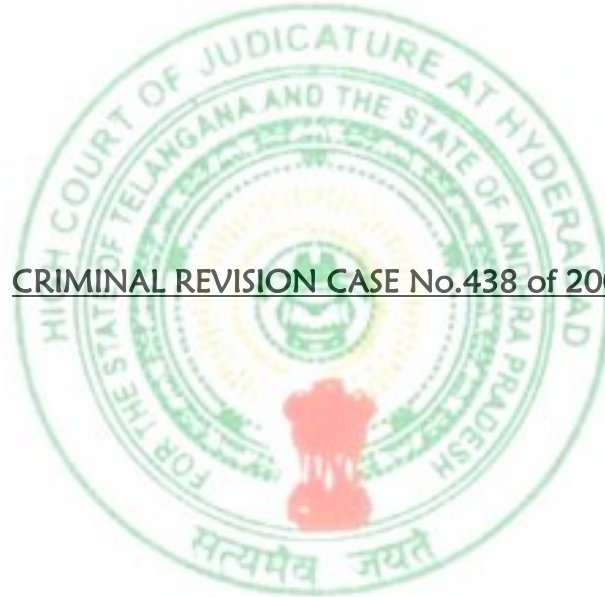
9. Accordingly, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 26th August, 2016

Nn

THE HONOURABLE SRI JUSTICE RAJA ELANGO



CRIMINAL REVISION CASE No.438 of 2008

26.8.2016

Nn