

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1194 of 2016

ORDER:

1. This Criminal Revision Case is filed by the petitioner aggrieved by the Judgment dated 10.3.2016 passed in CrI.A.No.73 of 2015 by the Principal Sessions Judge, Mahabubnagar.

2. Brief facts of the case are as follows:

On 25.2.2015, the Assistant Supply Officer, Mahabubnagar along with staff inspected the premises of the petitioner herein and found the petitioner doing business. On demand by the Assistant Supply Officer, the petitioner produced only the licence, which was renewed upto 31.3.2015, and form-B register. But he failed to produce form-16 register. The Assistant Supply Officer on verification found variations in the stock. It was reported that the petitioner was found indulging in clandestine business in storing PDS rice and recycling the same unauthorizedly contravening the provisions of AP Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 and A.P. State Public Distribution System Control Order, 2008.

On the report submitted to the District Collector, a notice was issued to the petitioner. The District Collector after conducting enquiry, rejected the explanation of the petitioner and passed orders confiscating 25% of the value of the seized stock amounting to Rs.9,05,405/-. Against the said order, the petitioner filed appeal in CrI.A.No.73 of 2015 before the learned Principal Sessions Judge, Mahabubnagar. On re-appreciation of the evidence, the learned Sessions Judge dismissed the appeal confirming the order of the District Collector passed in CS6/130/2015. Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. From the material available on record, it is evident that the petitioner failed to produce registers before the District Collector with

regard to the stock found in his mill. Further, in the registers produced by the petitioner, there are variations in the stock. The petitioner had not filed any sufficient material to disprove the charges levelled against him. Therefore, both the authorities below came to the conclusion that the petitioner indulged in clandestine business and he stored PDS rice unauthorizedly in his premises.

5. Considering the facts and circumstances of the case and in view of the 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 while submitting that the petitioner is a petty trader, prayed for modifying the order of confiscation of 25% of the value of the seized stock.

7. Taking into consideration the above submission made by the learned Counsel for the petitioner, confiscation of 25% of the value of the seized stock ordered by the District Collector, Mahabubnagar and confirmed by the learned Principal Sessions Judge, Mahabubnagar, is modified as that of 10% of the value of the seized stock. The remaining value of the seized stock shall be returned to the petitioner. Rest of the order under revision shall remain.

8. 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: 7.6.2016

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