

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.181 OF 2016

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ORDER:

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The petitioners preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the Order dated 28.07.2015 passed in CrI.A.No.359 of 2014 by the Sessions Judge, Guntur, whereby the learned Sessions Judge dismissed the appeal confirming the order dated 20.08.2014 in E.C.Act Case No.418 of 2010-S7, passed by the Joint Collector & Additional District Magistrate, Guntur whereby the Joint Collector ordered for confiscation of entire seized stock i.e. the rice meant for distribution under PDS scheme.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the petitioners have not committed any irregularities and in any event, the confiscation of seizure of 100% stock is excessive in nature and as such, prays for reduction of percentage of confiscation of seized stock.

This Court, normally, is not inclined to interfere with the concurrent findings of the Joint Collector as well as the lower appellate Court. However, this Court feels that the confiscation of seized stock is excessive in nature and as such, inclined to reduce the percentage of confiscation of seized stocks.

Considering the facts and circumstances of the case, this Court directs the confiscating authority to confiscate only 50% of the value of the stocks seized from the petitioners. It is made clear that if the said seized stocks were already sold by the competent authority, 50% of the value of the seized stocks shall be paid to the petitioners.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

06.01.2016

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