

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1638 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioners aggrieved by the Judgment dated 8.3.2016 passed in Criminal Appeal No.5 of 2015 by the Sessions Judge, Vizianagaram.

2. Brief facts of the case are as follows:

On 17.9.2014, the Tahsildar, Salur Mandal inspected the mill premises of the petitioners and found certain variations in between the book balance and the availability of the stock in the premises and then, he lodged a complaint before the District Collector. Then, the District Collector, Vizianagaram issued a show cause notice to the petitioners. The petitioners submitted their explanation. The District Collector after conducting enquiry, rejected the explanation of the petitioners and passed orders for confiscation of 15% value of the seized stock to the Government. Aggrieved by the same, the petitioner filed appeal viz., Criminal Appeal No.5 of 2015 before the learned Sessions Judge, Vizianagaram. On appreciation of evidence, the learned Sessions Judge dismissed the appeal confirming the order of the District Collector. Aggrieved by the same, the petitioners filed this revision.

3. Heard and perused the material available on record.

4. From the material available on record, it is obvious that there is variation of 51 quintals of rice between the stock available on ground and the stock as per the register. The explanation submitted by the petitioners for such variation was not convincing. Therefore, the learned Sessions Judge concurred with the findings of the District Collector.

5. In the above circumstances 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 petitioners submitted that the petitioners are petty traders and that the order of confiscation of 15% value of the seized stock may be modified.

7. Taking into consideration the above submission made by the learned Counsel for the petitioners, the order of the learned Sessions Judge, Vizianagaram is modified as follows:

“Confiscation of 15% value of the seized stock is modified as 7.5% value of the seized stock. Rest of the judgment 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: 27.6.2016

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