

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1516 of 2016

ORDER:

This Criminal Revision Case is preferred challenging the judgment, dated 27.04.2016, in E.C. Appeal No.110 of 2014, on the file of the Sessions Judge, Krishna Division, Machilipatnam, whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioners, but however, the amount confiscated is reduced to Rs.3,00,000/- from Rs.3,62,707/- against the order, dated 21.07.2014, in E.C.P.No.4/2014 passed by the District Collector, Krishna, Machilipatnam.

Vide order, dated 21.07.2014, the District Collector, Krishna, Machilipatnam, ordered for confiscation of Rs.3,62,707/- worth of the seized stock in favour of the Government covered by Bank Guarantee filed by the petitioners at the time of release of the seized stock. Aggrieved by the order passed by the District Collector, the petitioners preferred E.C. Appeal No.110 of 2014 before the Sessions Judge, Krishna Division, Machilipatnam. The learned Sessions Judge dismissed the appeal confirming the order of the District Collector, but however, the amount confiscation is reduced to Rs.3,00,000/- from Rs.3,62,707/-. Challenging the same, the petitioners preferred the present revision.

Learned counsel for the petitioners submits that the Courts below failed to consider as to whether the seized stock is essential commodity or not and whether there is any control order passed under Section 3 of the Essential Commodities Act; that the Courts below failed to consider that mere possession of PDS rice is not a contravention of Clause 17(A) of the A.P.State Public Distribution (Control) Order, 2008; that the value of the stock ordered for confiscation to the state was reduced to 20% from 25% and the same

is erroneous and contrary to law.

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

Accordingly, the Criminal Revision Case is disposed of modifying the judgment, dated 27.04.2016, in E.C. Appeal No.110 of 2014 on the file of the Sessions Judge, Krishna Division, Machilipatnam, only to the extent of confiscation of Rs.3,00,000/- (Rupees three lakhs only) worth of the stock seized in favour of the Government.

Miscellaneous Petitions, if any, pending in this criminal revision case shall stand closed.

RAJA ELANGO, J

Date: 16th June, 2016.

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