

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**CRIMINAL REVISION CASE No.1192 of 2016**

**ORDER:**

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1. This Criminal Revision Case is filed by the petitioners aggrieved by the Judgment dated 10.3.2016 passed in CrI.A.No.71 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 petitioners herein and found the presence of the 1<sup>st</sup> petitioner in the premises. On demand by the Assistant Supply Officer, the 1<sup>st</sup> petitioner produced only licence and form-B register and he failed to produce form-16 register. The Assistant Supply Officer on verification found variations in the stock. The Assistant Supply Officer reported that the petitioners were found indulging in clandestine business in storing PDS rice 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, notice was issued to the petitioners. The District Collector after conducting enquiry, rejected the explanation of the petitioners and passed orders confiscating 25% of the value of the seized stock amounting to Rs.6,71,870/-. Against the said order, the petitioners filed appeal in CrI.A.No.71 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 CS6/131/2015. 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 evident that the petitioners failed to produce sufficient material before the District Collector with regard to the stock found in their mill. Further, as per the registers produced by the petitioners, there are variations in the stock.

The petitioners had not filed any sufficient material to disprove the charges levelled against them. Therefore, both the authorities below came to the conclusion that the petitioners indulged in clandestine business and they stored PDS rice unauthorizedly in their 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 petitioners while submitting that the petitioners are petty traders, 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 petitioners, 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 petitioners. 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.

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**JUSTICE RAJA ELANGO**

Dated: 7.6.2016

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