

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1436 of 2016

ORDER:

-

1. This Criminal Revision Case is filed by the petitioner aggrieved by the Judgment dated 25.4.2016 passed in E.C. Appeal No.118 of 2014 by the Sessions Judge, Krishna Division, Machilipatnam.

2. Brief facts of the case are as follows:

On 22.4.2014, on reliable information that the petitioner was indulging in clandestine business, the Assistant Grain Purchasing Officer, Machilipatnam and Vigilance Officials inspected the premises of the petitioner and found variations in paddy between book balance and ground balance and when the petitioner was questioned about such variations, he could not give any convincing reply and therefore, the Assistant Grain Purchasing Officer concluded that the variation in Grade-A paddy is due to diversion of the same into black market for illegal gains and the petitioner violated the provisions of the A.P. Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008. On the report submitted to the District Collector, Krishna, Machilipatnam, a notice was issued to the petitioner. The District Collector after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) worth of seized stock in favour of the Government covered by Bank Guarantee filed by the petitioner at the time of release of the seized stock. Aggrieved by the same, the petitioner filed appeal viz., E.C.Appeal No.118 of 2014 before the learned Sessions Judge, Krishna Division, Machilipatnam. On appreciation of evidence, the learned Sessions Judge dismissed the

appeal confirming the order of the District Collector. Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. In the judgment under revision, it is observed that the petitioner stated in his explanation to the show cause notice that he stored Qtls.3277.52 of Grade-A paddy in the godown due to climate conditions in order to protect the paddy, but he had not stated the said fact in the presence of mediators and on the other hand, he stated that variation is on account of drying of paddy, and therefore, the explanation given by the petitioner was rejected. Further the entries in the registers are not tallying with the stock registers. In the circumstances, both the authorities below came to the conclusion that the petitioner violated the provisions of A.P. Scheduled Commodities Dealers (Licensing, Storage and Regulation) Order, 2008.

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 petitioner submitted that the petitioner is a petty trader and that the order of the confiscation of Rs.15 lakhs worth of the seized stock may be modified.

7. Taking into consideration the above submission made by the learned Counsel for the petitioner, the order of the learned Sessions Judge, Krishna Division, Machilipatnam is modified as follows:

“Confiscation of Rs.15 lakhs worth of the seized stock in favour of the Government covered by Bank Guarantee filed by the petitioner at the time of release of the

seized stock, is modified as Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only) worth of the seized stock covered by Bank Guarantee. 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: 21.6.2016

Nn

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-

-

-

-

-

-

-

-

-

-

-

-

CRIMINAL REVISION CASE No.1436 of 2016

-

-

-

21.6.2016

Nn