

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9799 of 2016

ORDER

This Criminal Petition is filed under Section 482 Cr.P.C. seeking a direction to dispose of Crl.M.P.No.560 of 2015 in Crl.A.No.32 of 2015 on the file of Principal District & Sessions Judge-cum-Appellate Authority under the Essential Commodities Act, Visakhapatnam filed for release of the seized tanker lorry bearing No.AP 31T 5676.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. The case of the petitioner in brief is that on 07.01.2015, the Assistant Supply Officer, Circle-III, Visakhapatnam, seized the above said tanker lorry alleging that it was transporting HSD and MS suspiciously without any bills. On 09.05.2015, the 2nd respondent-Joint Collector (CS) issued a show cause notice under Section 6-B of the Essential Commodities Act (for short 'the Act'), for which the petitioner submitted an explanation. Without considering the same, the order dated 20.07.2015 was passed by the 2nd respondent confiscating the lorry along with the seized product. Aggrieved by the said order, the petitioner preferred Crl.A.No.32 of 2015 on the file of Principal District & Sessions Judge-cum-Appellate Authority under the Essential Commodities Act, Visakhapatnam. He also filed Crl.M.P.Nos.559 and 560 of 2015 for interim stay of operation of the order dated 20.07.2015 passed by the Joint Collector and to release the said tanker lorry. The lower appellate Court passed orders dated 10.08.2015 in Crl.M.P.No.559 of 2015 granting interim stay of operation of order passed by the Joint Collector. But, the lower appellate Court has not passed any orders in Crl.M.P.No.560 of 2015, which is filed for interim custody of the tanker lorry. Hence, this Criminal Petition is filed.

4. Learned counsel for the petitioner reiterated the above said facts and prayed this Court to give a direction to the lower appellate Court to

dispose of CrI.M.P.No.560 of 2015 expeditiously.

5. In that view of the matter, this Criminal Petition is disposed of directing the learned Principal District & Sessions Judge-cum-Appellate Authority under the Essential Commodities Act, Visakhapatnam, to dispose of CrI.M.P.No.560 of 2015, within a period of one (1) month from the date of receipt of a copy of this order.

6. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL,J

Date:08.07.2016

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