

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1493 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioners aggrieved by the Judgment dated 25.2.2016 passed in CrI.A.No.276 of 2011 by the Principal Sessions Judge, Nellore.

2. Brief facts of the case are as follows:

On the night of 23.8.2009, while the Sub-Divisional Police Officer, Nellore (Urban), along with his team of Officers, was checking the vehicles plying on NH-5, at about 11.20 p.m., he stopped few lorries at Bujabuja Nellore, for the purpose of checking. On noticing the same, the drivers of 21 lorries fled away leaving their lorries on the national highway. The lorry bearing No.AP-26-Y-2259 is one of such lorries. On inspection, the police found that it was loaded with rice. No documents including permit, way bill and invoice were found available in the lorry. The said lorry was seized with the commodities and handed over to the Civil Supplies Department officials on 24.8.2009. The authorities of Civil supplies after following necessary formalities seized the lorry and stock and filed a case before the Joint Collector, SPSR, Nellore alleging violations of Sections 7 and 8 of A.P. Rice Procurement (Levy) Order 1984 (for short, 'the Levy Order'). The Joint Collector after conducting enquiry, rejected the explanation of the petitioners and passed orders for confiscation of 20% of the stock seized, to the Government, while imposing penalty of Rs.20,000/- on the 2nd petitioner-owner of the lorry. Against the said order, the petitioners filed appeal viz., CrI.A.No.276 of 2011 before the learned Principal Sessions Judge, Nellore. On re-appreciation of evidence, the learned Sessions Judge dismissed the appeal confirming the order of the Joint Collector passed in Rc.B.No.457 of 2009. Aggrieved by the

same, the petitioners filed this revision.

3. Heard and perused the material available on record.

4. It is the case of the petitioners that the transportation of the seized stock was to the Goods-shed at Padugupadu Railway Station meant for onward transportation to Kerala State under valid way-bill and release certificate. From the judgment under appeal, it is evident that the documents produced by the 1st petitioner do not pertain to the seized stock and the lorry seized in the present case. Therefore, the learned Principal Sessions Judge concurred with the findings of the Joint Collector.

5. Considering the facts and circumstances of the case and in view of the concurrent findings of both the authorities below with regard to illegal transportation of the stock seized in the present case, this Court is not inclined to interfere with the judgment under revision.

6. At this stage, the learned Counsel for the petitioners prayed for modification of the order of confiscation of 20% of the seized stock and the penalty.

7. Taking into consideration the above submission made by the learned Counsel for the petitioners, the order of confiscation of 20% of the seized stock passed by the Joint Collector, SPSR Nellore and confirmed by the learned Principal Sessions Judge, Nellore, is modified to that of 10% of the seized stock. The penalty of Rs.20,000/- imposed on the 2nd petitioner is also modified as Rs.10,000/- (Rupees Ten Thousand only). The remaining seized stock shall be returned to the petitioners. 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: 15.6.2016
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