

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

Criminal Revision Case No.2004 of 2016

JUDGMENT:

This criminal revision case is filed under Sections 397 and 401 of Cr.P.C. challenging the judgment dated 16.05.2016 passed in CrI.A.No.42 of 2015 on the file of the Principal District and Sessions Judge, Panga Reddy District, at L.B. Nagar, whereby confirmed the findings of the Collector (CS)-II, R R District, passed in Proceedings No.A7/ 651/ CS/ 2014 dated 31.03.2015.

2. Learned counsel for the revision petitioner submits that the courts below have failed to consider that the alleged variation of the stock value is only Rs.402/- . He further submitted that the petitioner has been working as fair price shop dealer for the last 25 years, without any remarks. Learned Additional Public Prosecutor, on the other hand, submits that the courts below have rightly considered the material available on record and arrived at a conclusion that the petitioner failed to maintain the stock register properly.

3. A perusal of the record reveals that the petitioner was appointed as fair price shop dealer of Shop No.718, Chintal, Quthbullapur (U), erstwhile RR District 25 years back. On 11.09.2014, the Civil Supplies officials visited the shop of the petitioner and found variation of 23.46 quintals of PDS rice and 229 sugar packets, ½ kg each. The record further reveals that the petitioner failed to maintain the stock register. Basing on the report of the Vigilance officials, 6-A proceedings were initiated against the petitioner i.e., in 6-A Case No.A7/ 651/ CS/ 2014. After affording reasonable opportunity to both parties, the District Collector arrived at a conclusion that the petitioner failed to maintain the stock registers properly, ordered confiscation of

100% seized stock vide order dated 31.03.2015. Feeling aggrieved by the orders of the District Collector, the petitioner preferred CrI.A.No.42 of 2015 on the file of the Principal District Judge, Ranga Reddy District at L.B.Nagar. Learned Principal District Judge, after hearing both sides, confirmed the findings of the District Collector. As per the findings of the District Collector, the petitioner failed to maintain the stock register and violated the condition 2(i)(c) of A.P. State Public Distribution System (Control) Order, 2008 and also violated the condition No.5(i)(A)(1) of the AP SPDS (Control) order, 2008 i.e., authorization issued in her favour. The petitioner has not produced any record before the Collector to establish that she has been maintaining the books as per the Control Orders. The petitioner also did not produce single scrap of paper even before the first appellate court to establish that she has been managing the records as per rules. The first appellate court also arrived at a conclusion that the petitioner has not been maintaining the records properly. The fact remains that the petitioner has violated the Clause 22(iii) of the Control Orders and condition 5 of the authorization issued in her favour. This court shall not generally interfere with the concurrent findings of the courts below.

4. The petitioner has been working as fair price shop dealer for the last 25 years. She is very much aware of the maintenance of the registers. Taking into consideration of the material on record, learned Collector confiscated 100% of the seized stock in favour of the Government. The first appellate court also confirmed the orders of the Collector. Previously, no case is registered against the petitioner under Section 6-A of the Essential Commodities Act. It is not the case of the respondents that the petitioner diverting the stock for the purpose of

black-marketing. While imposing the punishment of confiscation of stock, the court has to take into consideration this aspect.

5. Having regard to the facts and circumstances of the case, this court is inclined to modify the confiscation of seized stock to 50% instead of 100%

6. The criminal revision case is accordingly disposed of with the above modification. Miscellaneous petitions, if any pending in this case, shall stand closed.

T. SUNIL CHOWDARY, J

Date: 05.12.2016.
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