

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1510 of 2016

ORDER:

This Criminal Revision Case is preferred challenging the judgment, dated 29.02.2016, in Criminal Appeal No.331 of 2011, on the file of the Principal Sessions Judge, Nellore, whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioners against the order, dated 29.10.2011, in Rc.B.No.742/2011 passed by the Joint Collector, S.P.S.R Nellore District.

Vide order, dated 29.10.2011, the Joint Collector, S.P.S.R Nellore District, ordered for confiscation of 50% of the seized stocks i.e., 144.90 quintals of Raw Rice worth Rs.1,73,880/- to Government for contravention of clause 7(a)(1) of the Andhra Pradesh Rice Procurement (Levy) Order, 1984, and imposed a fine of Rs.10,000/- on the 2nd petitioner for involvement of the lorry bearing No.AP 26TT 6689 in illegal transportation. Aggrieved by the order passed by the Joint Collector, the petitioners preferred CrI.A.No.331 of 2011 before the Principal Sessions Judge, Nellore. The learned Sessions Judge dismissed the appeal confirming the order of the Joint Collector. Challenging the same, the petitioners preferred the present revision.

Learned counsel for the petitioners submits that the Courts below ought to have seen that the 1st petitioner is a *bona fide* dealer and he is eligible to transport the stock of rice within the state or outside the state as he has measured levy to the Government and that the transport of rice i.e., stock in possession is accompanied by tax invoice as well as the way bill showing that the stock was being transported to Bikkavolu, East Godavari District from Nellore District and that the Courts below ought to have seen that having found that the stocks in

question is not PDS rice, but the same is raw rice and it is being transported with valid documents and as such, ordering confiscation is totally illegal and unjust.

After perusing the entire material available on record and after hearing the submissions made by the learned counsel for the petitioners, this Court is of the view that the confiscation as well as the fine ordered by the Courts below can be reduced.

Accordingly, the Criminal Revision Case is disposed of modifying the judgment, dated 29.02.2016, in Criminal Appeal No.331 of 2011 on the file of the Principal Sessions Judge, Nellore directing 25% of the stock seized be confiscated in favour of the Government and the remaining stock seized be released to the 1st petitioner and the fine imposed on the 2nd petitioner for involvement of the lorry in illegal transportation is reduced to Rs.5,000/- (Rupees five thousand only).

Miscellaneous Petitions, if any, pending in this criminal revision case shall stand closed.

RAJA ELANGO, J

Date: 16th June, 2016.

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