

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1514 of 2016

ORDER:

This Criminal Revision Case is preferred challenging the judgment, dated 17.05.2016, in E.C. Appeal No.229 of 2013, on the file of the Sessions Judge, Krishna Division, Machilipatnam, whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioners against the order, dated 02.11.2013, in E.C.P.No.364/2012 passed by the Joint Collector, Krishna, Machilipatnam.

Vide order, dated 02.11.2013, the Joint Collector, Krishna, Machilipatnam, ordered for confiscation of 20% of the seized stocks to Government for contravention of clause 17(A) of the Andhra Pradesh State PDS (Control) Order, 2008, and imposed a penalty of 20% on the 2nd petitioner for involvement of the lorry bearing No.AP 28T 9027 in illegal transportation. Aggrieved by the order passed by the Joint Collector, the petitioners preferred E.C. Appeal No.229 of 2013 before the Sessions Judge, Krishna Division, Machilipatnam. 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 failed to consider whether the seized stocks are essential commodity or not and whether there is any control order passed under Section 3 of the Essential Commodities Act and whether the 1st petitioner contravened clause 17(A) of the A.P. State Public Distribution (Control) Order, 2008.

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

penalty ordered by the Courts below can be reduced.

Accordingly, the Criminal Revision Case is disposed of by modifying the judgment, dated 17.05.2016, in E.C. Appeal No.229 of 2013 on the file of the Sessions Judge, Krishna Division, Machilipatnam, and the stock seized to be confiscated in favour of the Government is reduced to 10% and the remaining stock seized be released to the 1st petitioner and the penalty imposed on the 2nd petitioner for involvement of the lorry in illegal transportation is reduced to 10%.

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

RAJA ELANGO, J

Date: 16th June, 2016.

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