

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.894 OF 2016

ORDER:

This Criminal Revision Case is preferred challenging the judgment, dated 7.1.2016, in Criminal Appeal No.72 of 2015 on the file of the Principal Sessions Judge, Warangal, whereunder and whereby, the learned Sessions Judge partly allowed the appeal filed by the petitioner against the order, dated 14.8.2015, in E.C.A.C.No.145/2015 passed by the District Collector, Warangal.

2. The petitioner is running M/s. Sri Venkateswara Seeds and Pesticides, Cherial and the same was inspected on 9.6.2015 by the Regional Vigilance and Enforcement Officer and other officials and found that the petitioner had stored seeds of redgram, paddy and maize of various companies in godown in Sy.No.1182 and on verification of the stocks with the stock register, no variations were found and the balance tallied with the stocks in the stock register. The only violation that was found is that the petitioner had stored the stocks in the godown in Sy.No.1182 instead of the premises mentioned in the licence. This fact was admitted by the petitioner and he stated that he constructed a godown in Sy.No.1182 at Cherial and he applied to the Gram Panchayat for allotment of a door number to be included in the said licence to use the said premises as godown for stocking the seeds. For the alleged contravention, the District Collector, Warangal ordered for confiscation of 10% value of the seized stocks for Rs.36,33,176/- in favour of the State Government. Aggrieved by the order passed by the Collector, the petitioner preferred CrI.A.No.72 of 2015 before the Principal Sessions Judge, Warangal. The learned Sessions Judge partly allowed the appeal by modifying the order by reducing the confiscation from 10% to 5%. Challenging the same, the petitioner preferred the present revision.

3. Learned counsel for the petitioner submits that the petitioner has constructed a godown in Sy.No.1182 situated at Cherial Village, Warangal District, but Cherial Gram Panchayat did not allot a door number to the said godown; that the petitioner has paid challan for Rs.100/- on 27.5.2015 at State Bank of Hyderabad, Hanamkonda for inclusion of the godown in the license and due to delay in assigning the door number by the Gram Panchayat, the godown was not included in the license; that the learned Sessions Judge ought to have observed that on comparison of the physical stocks with that of the stocks noted in the books of accounts, no variations were found and the petitioner did not commit any irregularity as alleged and hence, prays to reduce the confiscation ordered by the learned Sessions Judge.

4. After perusing the entire material available on record and after hearing the submissions made by the learned counsel for the petitioner, this Court is of the view that the confiscation ordered by the learned Sessions Judge can be reduced.

5. Accordingly, the Criminal Revision Case is disposed of modifying the dated 7.1.2016, in Criminal Appeal No.72 of 2015 on the file of the Principal Sessions Judge, Warangal by reducing the confiscation from 5% to 2%.

6. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

4.7.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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