

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL REVISION CASE NO.1961 OF 2016

ORDER:

This Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. assailing the judgment dated 02-06-2016 passed in Criminal Appeal No.73 of 2014 on the file of the Principal Sessions Judge, Adilabad, wherein and whereby the order passed by the District Collector, Civil Supplies, Adilabad, dated 03-07-2014 in 6-A Case No.CS6/164/2014, was modified

2. Heard learned counsel for the petitioner and the learned Special Assistant Public Prosecutor.

3. The contention of the learned counsel for the petitioner is two fold viz., (1) the Courts below failed to consider that the petitioner was transporting the rice with valid permit and way bills and (2) the findings recorded by the Courts below are not based on any material, much less, legally admissible material.

4. Per contra, learned Special Assistant Public Prosecutor submitted that both Courts below concurrently held that the petitioner was transporting the rice without valid permit and way bills. He further submitted that there is no illegality or irregularity in the orders passed by the Courts below and therefore, it is not a fit case to allow the revision.

5. The facts, leading to filing of the present Criminal Revision Case are as follows: On 13-03-2014 when the petitioner was transporting rice in a lorry bearing No. AP 10V 4492 from the business premises of the petitioner to the State of Maharashtra, the vigilance officials intercepted the lorry at Bidrelly check post of Mudhole Mandal, Adilabad District. The driver of the lorry did not produce valid permit and way bills. The concerned authority issued show cause

notice to the petitioner calling for his explanation, for which the petitioner submitted his explanation. Being not satisfied with the explanation submitted by the petitioner, the District Collector, Civil Supplies, Adilabad, initiated proceedings under Section 6-A of the Essential Commodities Act, 1955. After affording reasonable opportunity to the petitioner, the learned District Collector arrived at a conclusion that the petitioner was transporting the rice without valid permit and way bills and accordingly confiscated 50% of the value of the seized stock.

6. Aggrieved by the said order of the District Collector, Adilabad, the petitioner preferred CrI.A.No.73 of 2014 before the Principal Sessions Judge, Adilabad. The learned Principal Sessions Judge after affording reasonable opportunity to both parties, arrived at a conclusion that on 13-03-2014 the petitioner was transporting rice without valid permit and way bills from his business premises to the State of Maharashtra. Taking into consideration the facts and circumstances of the case, the learned Principal Sessions Judge, modified the order of the learned District Collector from confiscation of 50% of the value of the seized stock to the extent of 25% of the value of the seized stock. Hence, this Criminal Revision Case by the petitioner.

7. I have carefully scanned the material placed before this Court in order to ascertain whether the findings of the courts below are supported by any material or not.

8. The petitioner did not choose to produce valid permit and way bills either before the District Collector or before the Principal Sessions Judge, Adilabad, to substantiate the stand taken by him. If really the petitioner was transporting the rice from his business premises to the State of Maharashtra, nothing prevented him to produce the valid

permit and way bills either before the District Collector or before the appellate Court.

9. The contention of the learned counsel for the petitioner that the petitioner was transporting the rice under valid permit and way bills is not supported by any material, much less, legally admissible material. If the findings of the Courts below are not based upon any material or based on material, which is not legally admissible, then those findings can be termed as perverse. The learned District Collector after considering the material available on record, came to a conclusion that the petitioner was transporting the rice without valid permit and way bills and the said finding was fully agreed by the appellate Court. In the absence of any valid permit and way bills, there is no other option to the District Collector or the appellate Court except to arrive at a conclusion that the petitioner was transporting the rice without valid permit and way bills. Transporting rice from composite State of Andhra Pradesh to the State of Maharashtra without valid permit and way bills clearly indicates the intention of the petitioner. The material available on record clinchingly establishes that the petitioner was transporting the rice for the purpose of black-marketing. I am fully agreeing with the findings recorded by the courts below.

10. The other contention of the learned counsel for the petitioner is that confiscation of 25% of the value of the stock seized is on higher side. The learned District Collector confiscated 50% of the value of the stock seized, whereas the appellate Court on humanitarian grounds, modified the confiscation of 50% of the value of the stock seized to the extent of 25% of the value of the stock seized. Reduction of confiscation of stock seized below 25% is nothing but

granting of remission to black-marketing people, which is not permissible under law. There is no illegality or irregularity in the orders passed by the Courts below, which warrants interference of this Court by exercising the revisional jurisdiction under Section 397 Cr.P.C. Hence the revision lacks merits and bona fides.

11. Accordingly, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

DATED: 29.11.2016.
Hsd

T.SUNIL CHOWDARY, J

