

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1587 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioners aggrieved by the Judgment dated 31.3.2016 passed in E.C.A.No.12 of 2014 by the Sessions Judge, Krishna Division, Machilipatnam.

2. Brief facts of the case are as follows:

While the Secretary, Agricultural Market Committee, Mylavaram was checking lorries at Ganapavaram Check post on 4.8.2011, he found lorry No.AP 28 TA 1559. He verified the bills and noticed that the bills were not checked at any check post from Hyderabad upto Ganapavaram and hence, he requested the Station House Officer, Mylavaram to take action and he also submitted a copy of the report to Tahsildar, Mylavaram. As per the instructions of the Tahsildar, Mylavaram, Special Deputy Tahsildar, Mylavaram rushed to the police station along with Tahsildar and reached there and in the presence of mediators, the Special Deputy Tahsildar verified the stock and found 380 bags of rice weighing 190 quintals, whereas bills were shown to 340 bags. Therefore, the Special Deputy Tahsildar concluded that the 1st petitioner is doing illegal business and suspected that the 1st petitioner is purchasing PDS rice from Fair Shop dealers, violating the provisions of A.P. Schedule Commodities Dealers (Licensing, Storage and Regulation) Order, 2008 r/w Section 7 of the EC Act. The Special Deputy Tahsildar submitted a report to the Joint Collector to initiate action under Section 6A of the EC Act. A notice was issued on the petitioners. The Joint Collector after conducting enquiry, rejected the explanation of the petitioners and passed orders for confiscation of 100% of the value of the seized stock and 25% of Bank Guarantee as penalty on the owner of the lorry for illegal transport of PDS rice.

Aggrieved by the same, the petitioners filed appeal viz., ECA.No.12 of 2014 before the learned Sessions Judge, Krishna Division, Machilipatnam. On appreciation of evidence, the learned Sessions Judge dismissed the appeal confirming the order of the Joint Collector and modifying 100% of the value of the seized stock to that of 50% of the value of the seized stock and modifying the penalty of 25% value of the Bank guarantee to that of 10%. Being not satisfied with the judgment under appeal, the petitioners filed this revision.

3. Heard and perused the material available on record.

4. From the material on record, it is apparent that the 1st petitioner was found transporting 380 bags of rice, but he mentioned in the bills as 340 bags and that too, the consignee address was also not traced out. There are irregularities on the part of the petitioners. However, the learned Sessions Judge having observed that there is no sufficient material to show that the petitioners are transporting the rice meant for public distribution system took a lenient view and modified the order of the Joint Collector. Considering the findings of the learned Sessions Judge, this Court is of the view that the judgment under revision does not suffer from any illegality or irregularity warranting interference by this Court.

5. At this stage, the learned Counsel for the petitioners submitted that the petitioners are petty traders and that the order of the confiscation of value of the seized stock and the penalty may be modified.

6. Taking into consideration the above submission made by the learned Counsel for the petitioners, the order of the learned Sessions Judge, Krishna Division, Machilipatnam is modified as follows:

“Confiscation of 50% of the value of the seized stock ordered by the learned Sessions Judge is modified as 25% of the value of the seized stock and the penalty of 10%

value of the Bank Guarantee, is modified as 5% value of the Bank guarantee. Rest of the judgment under revision shall remain.”

7. With the above modification, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 21.6.2016

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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