

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1586 of 2016

ORDER:

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1. This Criminal Revision Case is filed by the petitioner aggrieved by the Judgment dated 10.3.2016 passed in CrI.A.No.53 of 2015 by the Principal Sessions Judge, Mahabubnagar.

2. Brief facts of the case are as follows:

On 28.2.2015, on reliable information that the petitioner was storing and recycling the PDS rice unauthorisedly and diverting the stock under CMR and in black market for illegal gain and he was hoarding huge quantity of PDS rice, the Assistant Supply Officer along with the Vigilance Officials raided on the industry of the petitioner and found 412.50 quintals of PDS rice and 119.00 quintals of broken rice. On the report submitted to the District Collector, Mahabubnagar, a notice was issued to the petitioner. The District Collector after conducting enquiry, rejected the explanation of the petitioner and passed orders for confiscation of 50% of the value of the seized stock. Aggrieved by the same, the petitioner filed appeal viz., CrI.A.No.53 of 2015 before the learned Principal Sessions Judge, Mahabubnagar. On appreciation of evidence, the learned Sessions Judge dismissed the appeal confirming the order of the District Collector. Aggrieved by the same, the petitioner filed this revision.

3. Heard and perused the material available on record.

4. In the judgment under revision, it is observed that the petitioner was doing clandestine business and he interrupted the process of public distribution system for his personal gain and he stored PDS rice unauthorizedly and caused loss to the exchequer of the Government. Both the authorities below gave concurrent findings with regard to the

irregularities committed by the petitioner. In the circumstances of the case, this Court is not inclined to interfere with the judgment under revision.

5. At this stage, the learned Counsel for the petitioner submitted that the petitioner is a petty trader and that the order of the confiscation of value of the seized stock may be modified.

6. Taking into consideration the above submission made by the learned Counsel for the petitioner, the order of the learned Principal Sessions Judge, Mahabubnagar 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. Rest of the judgment 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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