THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRI.R.C.No.1448 OF 2016

ORDER:

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This Criminal Revision Case is preferred challenging the judgment, dated 27.11.2014, in Criminal Appeal No.133 of 2011 on the file of the Principal Sessions Judge, Nalgonda, whereunder and whereby the learned Sessions Judge partly allowed the appeal filed by the petitioner against the order, dated 26.8.2011, in Case No.CS1/1867/2011 passed by the District Collector, Nalgonda.

2. The brief facts, which lead to filing of this Revision Case, are as under:

On receipt of credible information about unauthorized business in groundnut by the petitioner, on 16.6.2011, the Deputy Tahsildar (CS) Kodad along with Village Revenue Officer, Kodad, surprised the mill of the petitioner viz., M/s. Sri Satyanarayana General Merchant and Mini Modern Rice Mill (Non-trading) situated at Kodad Town and on verification, the team noticed 200 bags of groundnut containing 35 kgs in each bag and during the course of enquiry, one D.Narsimha Rao, who was present in the mill at the time of inspection, stated that he has been running the said mill by taking it on lease from one Nerella Ramanaiah, but on demand, the said Narsimha Rao failed to produce food grain licence for doing such business. Further, while the inspection was going on, a lorry bearing No.AP-27-X-1534 came into the mill with a load of groundnut bags and unloaded 75 bags of groundnut (35 kgs in each bag) from the lorry and on demand, the driver of the lorry failed to produce any documents thereof. Then, the inspecting team concluded that the petitioner has been doing business without possessing FGL licence and thereby, contravened the provisions of Clause 2(k)(2) of the A.P. Scheduled Commodities Dealer (LS&R) Order, 2008 read with Section 3 of the Essential

Commodities Act, 1955 and for the alleged contravention, the District Collector, Nalgonda ordered for confiscation of 50% value of the seized groundnut stock i.e., Rs.1,44,375/- in favour of the Government. Aggrieved by the order passed by the Collector, the petitioner preferred Crl.A.No.133 of 2011 before the Principal Sessions Judge, Nalgonda. The learned Sessions Judge partly allowed the appeal by modifying the order by reducing the confiscation from 50% to 25%. Challenging the same, the petitioner preferred the present revision.

3. Learned counsel for the petitioner submits that the petitioner is having all requisite licenses to run the rice mill apart from running business in groundnut duly obtaining VAT registration certificate, paying market cess and also filing sales details before the competent authorities and at no point of time, any violation was reported; that the learned Judge ought to have seen that the authorities did not find any irregularity in running the rice mill, however, confiscated the groundnut stock received at the time of inspection on the ground that the petitioner is running the mill without food grain license and therefore, the question of violation of Clause 2 (k)(2) of the A.P. Scheduled Commodities Dealer (LS & R) Order, 2008 does not arise.

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 judgment, dated 27.11.2014, in Crl.A.No.133 of 2011 on the file of the learned Principal Sessions Judge, Nalgonda by reducing the confiscation from 25% to 10%.

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

JUSTICE RAJA ELANGO

2.6.2016

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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