THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.1048 OF 2016

ORDER:

The petitioners have preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the Order dated 20.01.2016 passed in C.M.A.No.6 of 2014 by the I Additional District Judge, West Godavari District, Eluru, whereby the learned Judge modified the order dated 09.12.2013 in CS1/61/ECA/2013, passed by the District Collector, West Godavari, Eluru, and reduced the percentage of confiscation value of the seized stock from 100% to 25% and set aside the order to the extent of confiscation of 100% value of the bank guarantee.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the petitioners have not committed any irregularities and in any event, the confiscation of 25% of the seized stocks is excessive in nature and as such, prays for reduction of percentage of confiscation of seized stock.

This Court, normally, is not inclined to interfere with the concurrent findings of the District Collector as well as the lower appellate Court. However, this Court feels that the confiscation of seized stocks is excessive in nature and as such, inclined to reduce the percentage of confiscation value of the seized stocks.

Considering the facts and circumstances of the case, this Court directs the confiscating authority to confiscate 15% of the value of the stocks seized from the petitioners. It is made clear that if the said seized stocks were already sold by the competent authority, 85% of the value of the seized stocks shall be paid to the petitioners.

With the above directions, the Criminal Revision Case is disposed of. Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

02.06.2016

pln