IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.194 of 2016

State rep. by
The Inspector of Police,
Civil Supplies CID,
Nagapattinam.
(Crime No.672/2008) .. Petitioner/Appellant

Vs

M.Surendran .. Respondent

Criminal Revision is filed under Section 397 and 401 Cr.P.C., against in C.A.No.39 of 2009, on The file of Sessions Judge, Nagapattinam dated 18.10.2011 against THA. PA.345/2008/M6 Dated 20.03.09, on the file of District Revenue Officer, Nagapattinam and set aside the same.

For Appellant : Mr.R.Ravichandran
Govt. Advocate (Crl.Side)

ORDER

Against the order passed by the Appellate Authority by setting aside the fine amount imposed on the respondent, the present revision has been filed by the State.

2.The respondent's vehicle bearing Registration No.TN-02-L-3169 was found carrying 13496Kgs. of PDS rice by the Taluk Supply Officer, Dharmapuri and the vehicle was seized and after issuing necessary show cause notice, an order was passed under the Essential Commodities Act by the District Revenue Officer, Nagapattinam confiscating the rice and also the lorry, in lieu of the confiscation, a fine amount of Rs.50,000/- was imposed. Challenging the order, the respondent filed an appeal before the Appellate Authority under Section 6A of the Essential Commodities Act. The Appellate Authority allowed the said appeal, on the ground that the District Revenue Officer without confiscating the vehicle straight away imposed the fine amount which is not permissible under Section 6(A) of the Act. Challenging, the same, the present revision had been preferred by the State.

3. Even though notice was serviced on the respondent and the name has been printed in the cause list, none appeared for the respondent. I have heard the learned Government Advocate (Crl.side) for the petitioner and perused the records carefully.

4. The Appellate Authority allowed the appeal only on the ground that while passing the order under Section 6A of the Act, the District Revenue Officer without confiscating the vehicle, straight away imposed fine amount which is not permissible under law. But a careful reading of the order passed by the District Revenue Officer clearly shows that the District Revenue Officer confiscated the rice, and imposed a fine against the vehicle under Section 6A of the Essential Commodities Act. Even though in the order passed by the original authority the word confiscation did not find place, the order has been passed only under Section 6(A)(i)(c) of the Act which provide for confiscation of vehicle. Merely because the authority did not specifically mention the word confiscation in the order, and it is not a ground to set aside the order as the original authority has clearly stated that the order has been passed under Section 6A1(c) of the Act. In the above circumstances, there is no infirmity in the order of the Revenue Divisional Officer. The Appellate Authority without considering the legal provisions in proper perspective erroneously allowed the appeal. Hence, the order of the Appellate Authority is liable to be interfered with.

5. In the result, this Criminal Revision Petition is allowed and the order passed by the Appellate Authority is set aside. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The III Additional District and Sessions Judge,
   Coimbatore.

2. The District Revenue Officer,
   Coimbatore,
   Coimbatore District.

3. The Special Tahsildar,
   Pollachi,
   Coimbatore District.

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KS(CO)
CS/05/06/17