

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.894 of 2016

P.Vellingiri

.. Petitioner/Appellant

Vs

State rep. By

1. The District Revenue Officer,
Coimbatore,
Coimbatore District.

2. The Inspector of Police,
Anaimalai Police Station,
Anaimalai, Pollachi Taluk,
Coimbatore District.
(Crime No.584 of 2009)

... Respondents

Criminal Revision is filed under Section 397 and 401 Cr.P.C., against the order passed by the First Additional Sessions Judge, Coimbatore made in C.A.No.149 of 2012, dated 31.08.2015 whereby confirming the order passed by the District Revenue Officer, Coimbatore, Coimbatore District in his proceedings Na.Ka.No.3378/2010/Ki-3, dated 09.03.2012 and set aside the same.

For Appellant : Mr.C.Prakasam

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

ORDER

This Criminal Revision has been filed by the petitioner challenging the order of confiscation of a lorry and imposing a fine of Rs.1,63,125/-.

2. Petitioner is the owner of the lorry. On 17.12.2009, while the authorities inspected the vehicle during normal course, they found that the lorry belongs to the petitioner bearing Registration No.TN-TD-Q-8989 carrying 215 bags of rice weighing 10875Kgs. meant for Public Distribution System (PDS) without any valid documents. Hence, the vehicle was seized. Subsequently, the proceedings under Section 6A of the Essential Commodities Act was initiated and a show cause notice was also issued to the petitioner, during the enquiry petitioner submitted that he was not aware of the fact that the rice is meant for Public Distribution System. The petitioner also given evidence to the effect that the lorry was engaged to transport rice to Palacode, Kerala however, he was unaware of the fact that the rice bags loaded are PDS rice. However, they had given assurance that he will not commit any offence in future.

3. Considering the same, the District Revenue Officer confiscated the vehicle and imposed a fine of Rs.1,63,125/-. Challenging the said confiscation proceedings, he preferred an appeal before the First Additional District and Sessions Court, Coimbatore and the Appellate Court also confirmed the order passed by the District Revenue Officer and dismissed the same. Aggrieved over the same, the present revision has been filed.

4. I have heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent.

5. It is the case wherein the petitioner had admitted that he has transported PDS rice without knowing the fact that the rices are meant for Public Distribution System and only on instructions from the trader he had transported the same. Only after considering the material aspects, the Court below had imposed the fine of Rs.1,63,125/-. Hence, I do not find any reason to interfere with the order of the court below. In view of the same, this Criminal Revision Petition is liable to be dismissed.

6. During the course of arguments, learned counsel for the petitioner submitted that the lorry confiscated by the authorities concerned was very old and in a bad condition, and since the seizure had taken place in the year 2009, it had already lost its market value and hence, sought for reduction of fine amount.

7. Considering the above aspect, the fine amount imposed on the petitioner is reduced to Rs.1,00,000/- from Rs.1,63,125/-. With the above modification, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smi

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.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.16768

Cr1.R.C.No.894 of 2016

KS (CO)
CS/05/06/17

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