

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.2372 of 2017

JUDGMENT:

This criminal revision case, under Sections 397 and 401 of Cr.P.C., is filed questioning the propriety and legality of the order, dated 22-11-2014 passed in case No.CS-1/3377/2014 by the District Collector, Nalgonda, ordering payment of Rs.4,00,000/- in lieu of confiscation of vehicle in the proceedings initiated under Section 6-A of the Essential Commodities Act (for short, 'the Act') and confirmed the same in CrI.A.No.181 of 2014, dated 18-04-2017, passed by the Prl. Sessions Judge, Nalgonda, under Section 6 (c) of the Act.

The petitioner herein is the owner of the vehicle bearing No.AP-16-TW-1581 and it was found carrying essential commodities in contravention of Control Orders. The District Collector is empowered to confiscate the vehicle, in which the essential commodities were carried in contravention of Control Orders and this provision enables the District Collector to direct the owner of the vehicle to pay the amount equivalent to the market value in lieu of confiscation under Section 6-A of the Act. But the only contention raised before this Court is that no charge was framed against the petitioner and thereby ordering payment of Rs.4,00,000/- in lieu of confiscation of vehicle is illegal.

No doubt, as seen from the material on record no specific allegation is made against this petitioner but in panchanama it is alleged that the vehicle was carrying essential commodities and thereby such vehicle is liable for confiscation. The District Collector instead of ordering confiscation directed the owner to pay the market value of the vehicle.

But in absence of any allegation against the petitioner herein passing of an order against him for payment of Rs.4,00,000/- is illegal. Both the District Collector and the appellate Court did not consider this aspect in proper perspective. Therefore, the order passed by the District Collector and confirmed by the Sessions Judge, directing the petitioner to pay Rs.4,00,000/- in lieu of confiscation of the vehicle is hereby set aside while remanding the matter to the District Collector to issue fresh notice under Section 6-B of the Act, affording an opportunity to the petitioner to give explanation on the notice and dispose of the matter within one month from the date of receipt of a copy of this order.

With the above direction, the Criminal Revision Case is disposed of. The Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

September 01, 2017

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