

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.609 of 2017

JUDGMENT :

Heard learned counsel for the revision petitioner and also the respondent-State represented by learned Public Prosecutor.

2. Perused the impugned order of the learned District Collector, Visakhapatnam, dated 20.01.2016 in C.C.No.35/2015-CSR5, wherein the total 100% of the stock was seized and ordered for confiscation of 20% of the seized fertilizers out of the total value of the seized stock worth Rs.15,24,000/- consists of DAP 285 bags, Ammonia 15 bags, S.S.P. 327 bags, Urea 1088 bags, M.O.P.517 bags and 210-20-0-113 374 bags, put together 2606 bags, and that was confirmed by the order of the learned Principal District & Sessions Judge, Visakhapatnam, dated 30.12.2016 in Criminal Appeal No.44 of 2016.

3. A perusal of the impugned order, so far as the clandestine dealing concerned, there is nothing to interfere, but for on the quantum. No doubt, the variation shows DAP 28 bags, Ammonia 104 bags, S.S.P. 21 bags, Urea 22 bags, M.O.P.44 bags and 210-20-0-113 31 bags, total put together only 250 bags out of the stock as per the book value 2856 bags when compared to physical stock 2606 bags.

4. Having regard to the above, out of 100% of the total seized stock, confiscation of even 20% of the seized stock is onerous, excessive and unjust.

5. Thereby the order of the learned District Collector, Visakhapatnam, confirmed by the learned District & Sessions Judge, Visakhapatnam, is modified by reducing to 10% of the total seized stock or its value only to confiscate and release the remaining 90%.

5. Accordingly and in the result, the Revision is allowed in part. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

15th March 2017

mar

