

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.903 of 2017

ORDER :

Aggrieved by the judgment dated 10.01.2017 in Criminal Appeal No.53 of 2016 passed by the Principal Sessions Judge, Visakhapatnam, this revision is filed by the petitioner/ respondent No.3/ owner.

2. The P.D.S rice of 100 quintals clandestinely and illegally transporting in the vehicle of respondent No.3/ owner/ revision petitioner, driven by respondent No.1 and the vehicle stated in use for sand transport entrusted by the owner. Respondent No.1/ driver and respondent No.2/ cleaner, in that process, on the request of some two unknown persons allowed to load 100 quintals of P.D.S rice without any documents that was intercepted and after alleged explanation, the learned Joint Collector by the order dated 09.03.2016 in C.C.No.90/ 2014-CSR-5, shown the vehicle value of Rs.2,00,000/- and 100 quintals of P.D.S rice of Rs.2,65,200/- ordered for public auction of the vehicle by confiscation. It is impugning the said confiscation of the vehicle, the said three respondents, maintained Criminal Appeal No.53 of 2016 and the learned Sessions Judge, Visakhapatnam, passed a modified order to ascertain the value of 100 quintals of P.D.S rice and directed the appellants to

deposit the said value of rice for release of the vehicle. It is impugning the same, present revision is maintained.

3. Heard the learned counsel for the revision petitioner/ respondent No.3/ owner of the vehicle and also the learned Public Prosecutor representing the State and perused the material on record including the order copy in CrI.R.C.No.831 of 2016 dated 07.02.2017, placed reliance by the petitioner, where the observation referring to the expression of the Apex Court in Kailash Prasad Yadav v. State of Jharkhand(2007(5) SCC 769), the confiscation of the vehicle is unsustainable and onerous, but for imposition of any penalty. It is referring to the facts when claimed only source of livelihood to the person owned the vehicle under self-help scheme, this Court ordered therein a penalty of Rs.15,000/-.

4. In the instant case, the facts are entirely different. The confiscation, no doubt, even in the present facts since onerous, it is just to order release of the vehicle by imposing penalty of Rs.50,000/- within ten days from the date of receipt of copy of this order before the Joint Collector concerned.

5. Accordingly, the Criminal Revision Case is disposed of.

6. Miscellaneous petitions, pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:03-04-2017
pab

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL REVISION CASE No.903 of 2017

DATE: 03.04.2017



pab