

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.634 of 2005

ORDER:

The petitioner herein is claimant before the Joint Collector, Cuddapah, in Reference No.I(2)/5665/98, dated 09.08.2004 and he filed claim petition before the Joint Collector, Cuddapah, under Section 6-A of the Essential Commodities Act for seizure of 70 qutls. of half polished rice besides other items in Saleem Rice and Flour Mill belonging to Afsan Fathe Khan @ Mahaboob Basha as he violated clause 3 of A.P.S.C.D. (L&D) Order, 1982.

2. The case of the petitioner is that the petitioner is proprietor of Naseer Modern Rice Mill and he preferred claim on the ground that he shifted half polished rice of 70 qtls. to the Saleem Rice and Flour Mill for polishing since his mill was under repair. But, this claim was rejected by the Joint Collector on the ground that the petitioner did not produce A/B register maintained by the petitioner in token of transporting rice.

3. Aggrieved by the order passed by the Joint Collector, the petitioner preferred CrI.A.No.117 of 2004 before the Principal Sessions Judge, Cuddapah, which ended in dismissal by judgment, dated 19.01.2005, whereby confirmed the confiscation of entire seized stock passed by the Joint Collector, Cuddapah.

4. Aggrieved by judgment in Crl.A.No.117 of 2004, the present revision is filed contending that the finding recorded by both the Joint Collector and Principal Sessions Judge is erroneous and so also confiscation of total stock in the premises of Saleem Rice and Flour Mill is erroneous, since the petitioner is owner of the said seized stock and petitioner is a licensee running milling business since long time, therefore, order of confiscation exercising the power under Section 6-A of the Act is for contravention of clause 3(1) of A.P.S.C.D. (L&D) Order, 1982, is erroneous and prayed to set aside the order.

5. Admittedly, the petitioner is proprietor of Naseer Modern Rice Mill having lincense to do rice mill business. On inspection of Saleem Rice and Flour Mill, the respondent authorities found variation in the stock with reference to ground stock and stock register and thereby seized the essential commodities from the Saleem Rice and Flour Mill. But, the petitioner herein filed claim petition before the Joint Collector claiming that as he is owner of the stocks of 70 qtls. of half polished rice. If the contention of the petitioner is accepted, an entry should made in A/B register, which is known as Gate Book, and whenever the stock is removed from the premises of his Mill, an entry should be made in the B Register and whenever stock entered into the premises, an entry should be made in A Register. If really the petitioner shifted the stock from his Mill to Saleem Rice and Flour Mill, there must be entry in B register of the

petitioner and in A register of Saleem Rice and Flour Mill. But, no such evidence is produced either before the Joint Collector or before the Principal Sessions Court to accept his claim. Apart from that, no stock register evidencing purchase of paddy and milling of paddy in the rice of the petitioner is produced. If for any reason paddy was purchased and when the stock was shifted for polishing rice, there must be a corresponding entry in the purchase register of the petitioner Mill and so also in the stock register. But, no iota of evidence is brought on record to establish that the half polished rice seized and ordered for confiscation by the Joint Collector belongs to the petitioner. In the absence of any material placed to substantiate claim in the claim petition, the claim of the petitioner cannot be accepted.

6. The powers of this Court under Section 397 and 401 Cr.P.C. are limited and this Court cannot interfere with the confiscation recorded by the Joint Collector, Cuddapah and Principal Sessions Judge, Cuddapah, when it is based on fact findings. But, here no such manifest perversity or apparent error are brought to this Court to interfere with the fact findings recorded by the Joint Collector, Cuddapah or Principal Sessions Judge, Cuddapah. Therefore, I find no reason and the revision case deserves to be dismissed.

7. In the result, the revision case is dismissed.

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

M. SATYANARAYANA MURTHY, J

17th August 2017.

mar

