

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.961 of 2017

ORDER :

The revision is maintained against the judgment dated 22.12.2016 in E.C.Appeal No.116 of 2016 passed by the Sessions Judge, Krishna Division, Machilipatnam, in ordering 50%confiscation of the seized stock as against 100%ordered by the Collector (CS) vide DSO-6AORM/ 9/ 2015-SA(B1)-DSO, Old File No.ECP/ NO/ 315/ 2013 of August, 2015.

The contention of the learned counsel for the petitioners is that the seized rice is not P.D.S.Rice and it is the burden of the prosecution agency to establish that the rice is P.D.S.Rice and the same is not established. It is the further contention that it is when they are dealing with the rice in doing business, the stock is seized under the guise of P.D.S.Rice and they produced way bill for the same.

As per the Andhra Pradesh State Public Distribution System (Control) Order, 2008, the revision petitioners must have license, maintain books of accounts, and has to produce the stock register showing the balance if at all how he got rice of the closing and opening stocks. In the absence

of which, there is no basis to believe and even otherwise taken as not P.D.S Rice, for the non-compliance with the statutory requirements in dealing with the rice in business, the confiscation order no way requires interference, but for, to reduce the percentage of confiscation from 50%to 40%

Accordingly, the Criminal Revision Case is allowed in part.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Date:07-04-2017

pab

Dr. B. SIVA SANKARA RAO, J



HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.961 of 2017

DATE: 07.04.2017



pab