

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL REVISION CASE No.1013 of 2005

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of Cr.P.C, is filed questioning the propriety of the Order in Criminal Appeal No.17 of 2000 passed by the Principal Sessions Judge, R.R. District at L.B.Nagar, Hyderabad, reducing confiscation from 50% to 20%.

The Inspector of Police, Vigilance and Enforcement, R.R. District registered a Crime No.66/VCRR/97 dt. 15.10.1997 reporting confiscation of the Essential Commodities on the ground that the petitioner contravened Clauses 3,4(1), Cl.4 (2) and Cl.5 of Pulses, Edible Oil Seeds and Edible Oils (Storage Control Order, 1977), Clauses 8,9, and 12, Condition 2 (c) and 3 of the Licence, Condition No.4, 2 (c) and 3,4,5,6,7(1) and 8 of the Licence Clause (3) of the A.P Exhibition of Rice Lists of Good Order, 1966, Condition 10 of licences Condition 12 of the Licence of AP Scheduled Commodities Dealers (licensing and Distribution) Order, 1982 and seized the stock on ground under cover of panchanama in the presence of mediators and filed a report under Section 6 (A) of Essential Commodities Act before the Joint Collector, who in turn issued notice show cause calling upon the petitioner to show cause why the stocks seized should be confiscated to the State.

Upon enquiry, the Joint Collector found the petitioner guilty for violation of APSCD (L&D) Order, 1982 and other

Control Orders stated above, and ordered 50% confiscation of the seized stock to the Government.

Aggrieved by the Order dt.6.11.1999 passed by the Joint Collector, Rangareddy District, Criminal Appeal No.17 of 2000 was ended in dismissal by the Judgment 30.09.2002, reducing confiscation from 50% to 20%.

Dissatisfied with the reduction of confiscation from 50% to 20%, the petitioner herein filed the present revision on various grounds. The main ground is that petitioner is not carrying on clandestine business for sale of essential commodities in contravention of any of the Control Order, but the appellate court did not consider various contentions and concluded that he violated the terms and conditions of licence and various provisions of Control Orders and thereby committed an illegality in the order passed by the Court.

The Joint Collector on receipt of Report from Inspector of Police, Vigilance and Enforcement, issued show cause notice on the petitioner and after receiving notice dt. 23.10.1997 under Section 6 (B), the petitioner herein gave written explanation through his counsel. Upon hearing both the parties, the Joint Collector passed the impugned Order, found the petitioner guilty for violation of the Control Orders referred supra.

The fact finding recorded by the Joint Collector is that the petitioner had violated the Orders referred to supra including APSCD (L & D) Order, 1982 and License and Distribution Order

though not specific. But, during appeal also, the Appellate Court did not discuss anything, but reduced the confiscation while upholding the alleged contravention indirectly.

But, before this Court no specific ground is raised except contending that the petitioner is not carrying on any clandestine business and not violated any of the control orders passed under Section 3 of Essential Commodities Act. When both the Joint Collector and the Appellate Court recorded concurrent fact finding, this Court cannot normally interfere with such fact finding while exercising power under Sections 397 and 401 Cr.P.C., in view of the limited jurisdiction that conferred on this Court except under the circumstances where the findings are manifestly perverse or apparently erroneous. The trial recorded a fact finding that the petitioner violated the orders stated above and ordered confiscation. While disposing appeal, the appellate Court reduced the confiscation from 50% to 20%. But in the present revision, I find no ground to interfere with the fact finding recorded by the Courts below and I also find no ground to reduce the confiscation further, from 20%. Therefore, the appeal is devoid of merits and it is liable to be dismissed.

Accordingly, this Criminal Revision Case is dismissed.

Consequently, miscellaneous applications pending, if any, shall also stand dismissed.

JUSTICE M. SATYANARAYANA MURTHY

Date:04.09.2017
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Dt. 04-09-2017

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