

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Crl.R.C.No.267 of 2006

ORDER

The present criminal revision case is filed under Sections 397 and 401 Cr.P.C., questioning the judgment dated 24.10.2005 passed in Crl.A.No.39 of 1999 by the learned Sessions Judge, Nizamabad, whereby and where-under 100% of the seized stock was ordered to be confiscated by confirming the order dated 16.03.1999 passed by the Joint Collector, Nizamabad in Case No.S6/1875/98.

2. Heard learned Special Public Prosecutor for the State of Telangana and perused the record.

3. The present revision case relates to the year 2006 and the order of confiscation was passed on 16.03.1999. The learned Sessions Judge, Nizamabad, passed orders on 24.10.2005. The interim suspension was obtained by the revision petitioner on 14.02.2006. Thereafter, when the matter was listed on 07.11.2017, a request was made by the learned counsel for revision petitioner for adjournment. Hence, the matter was listed on 21.11.2017 and again, at request, it was listed on 04.12.2017 and again at request, it was listed to this date directing the registry to list the matter under the caption 'for orders'. Even today also, there is no representation on behalf of revision petitioner.

4. The short question involved in the present revision is, whether the order of confiscation of 100% of the seized stock

or value, as confirmed by the Sessions Judge, suffers from any patent illegality?

5. Perused the order. Nothing more is required, except observing that inspection and seizure were effected on 07.07.1998, whereas the explanation offered by the revision petitioner was on 21.09.1998 and he has submitted the names of the purchasers only two months after the seizure, but he did not immediately tell the names of the purchasers at the time of panchanama conducted and that was the reason, the Sessions Judge did not accede to the request and confirmed the order of the Joint Collector, Nizamabad.

6. It is, therefore, clear that only with an after thought, the revision petitioner placed the names of purchasers and other material two months after the inspection with a view to get over the impending penalty that would be imposed by ordering confiscation of 100% of the seized stock of fertilizers. The other details are unnecessary as there is no patent illegality warranting interference in the order passed by the Joint Collector or by the learned Sessions Judge.

7. Hence, the Criminal Revision Case is dismissed.

8. As a sequel thereto, miscellaneous petitions, if any, pending in this revision shall stand dismissed.

A. SHANKAR NARAYANA, J

7th December, 2017

sj