

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.235 OF 2017

ORDER:

The revision petitioner is the respondent to Section 6-A proceedings of Essential Commodities Act, (for short 'the Act') initiated by the learned Collector (CS), Krishna, Machilipatnam in DSO-6A0RM (SCN)/ 13/ 2015-SA(B1)-DSO (Old file No.ECP/ No/ 152/ 2014) date nil of December, 2015 which is from the authorities in the presence of mediators seized 111 quintals of Red Gram and 31 quintals of Semi Damaged Red Gram and submitted to Collector to initiate the proceedings under Section 6-A of the Act, contending that the respondent contravened clause 2 (K)(1 & 4) and Clause 3 of the A.P. Scheduled Commodities (Licensing, Storage and Regulation) Order, 2008.

2) The red gram covered by the said provisions is not in dispute. The only contention of the learned counsel for the revision petitioner is that there is a joint family property of father of revision petitioner and when they cultivated the red gram, there is no clandestine dealing and that the regulation has no application and no licence is necessary and because of lack of storage facility, the revision petitioner stored the same in the premises wherefrom the authorities seized.

3) It is his further submission that the learned Collector did not pursue the material on record including the certificate issued by VRO, that the wife of the revision petitioner is having landed

property of Ac.3.06 cts in Pendyala Village of Kanchikacherla Mandal, there is a red gram cultivation and it yielded 40 qtls of red gram and permitted to store in godown market yard and sell the same in market yard. The other certificate shows that the father of the revision petitioner is having Ac.8.63 cts, at Ramapuram Village, Mellacheruvu Mandal, where red gram cultivated and it yielded 100 qtls for the years 2012 and 2013 and permitted to store in Jaggaiahpet for the purpose of sale.

4) The entire stock was seized from the private godown at Jaggaiahpet. If at all, there is a cultivation of red gram crop much less reflected in column No.2-A and 3 of Adangal as to who cultivated with what estimated yield, if produced or likely to produce and in the absence of said revenue record and VRO is not competent but for the MRO even to permit for storing in any other place, the certificates have no sanctity but for at best to show there is land.

5) Even taken for arguments sake, even the father of revision petitioner is having landed property and there is a red gram cultivation as stated above, the petitioner cannot store it. Apart from it, the record shows that the petitioner gave statement at the time of inspection that he used to purchase red gram from ryoths, milling and selling the red gram to retailers. It is suffice to say irrespective of what is produced from the lands of his family members, the stock in question is not covered by it. It is thereby, the learned Collector clearly observed that the said contention is not acceptable in ordering 100%confiscation of the seized stock that is

no doubt for this Court while sitting in revision confirming the finding of the learned Collector.

6) Once such is the case, for this Court while sitting in revision, there is nothing to interfere with the impugned order dated 27.12.2016 passed in E.C. Appeal No.118 of 2016 by the learned Sessions Judge, Krishna Division, Machilipatnam but for to reduce the confiscation of the value of seized stock from 35%to 30%

7) Accordingly and in the result, the revision is partly allowed.

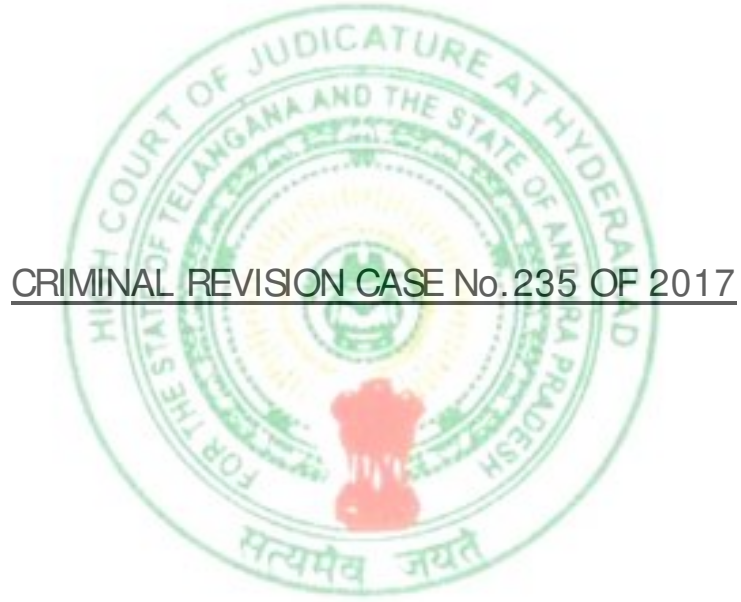
8) As a sequel, miscellaneous petitions if any pending shall stand closed.

Dt.06.02.2017
knl

Dr. B. SIVA SANKARA RAO, J



HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO



Date:06.02.2017

kn1