

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL REVISION CASE No.152 of 2017

ORDER :

Heard.

2. Perused the impugned order of the learned Sessions Judge, Rajamahendravaram, confirming the order of the learned Collector, Kakinada, for the variation of stock with the finding of the clandestine dealing, of 18.15% particularly of rice with observation of 8.5% of the paddy is even taken within the permissible limit, ordering 10% of the total stock of the rice for confiscation since impugned saying the so called variations are minor deviations with the explanation that the clerk was in sick and could not attend and waybills could not be produced and the entries not made that resulted the variations could have been ignored.

3. The learned counsel in support of it submits that both the tribunals below should have been ordered no confiscation and at best 10% of the stock under variations and not on 10% of the total stock, hence to allow the revision.

4. It is the submission of the learned Public Prosecutor that the concurrent findings no way perverse or deviated from the correctness and illegality even on re-appreciation, thereby there is nothing to interfere but for dismissal.

5. Having regard to the facts and from the variations noticed of saying clandestine dealing, so far as that finding concerned for nothing to interfere.

6. Coming to the percentage of confiscation of 10% of the total stock for the variation of 18.15% it is just to order 8% of the total stock.

7. Accordingly, the Criminal Revision Case is allowed in part.

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

Dr. B. SIVA SANKARA RAO, J

Date: 24-01-2017
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