

**HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**CRIMINAL REVISION CASE No.3168 of 2016**

**JUDGMENT :**

Heard learned counsel for the revision petitioner and also the learned Public Prosecutor representing the respondents and perused the impugned confiscation order dated 02.04.2015 in 6-A Case No.CS6/386/2012 of the learned Collector (CS), Adilabad, that was confirmed by the learned Principal Sessions Judge, Adilabad, while sitting in appeal in CrI.A.No.63 of 2015 dated 07.09.2016.

2. The petitioner is a civil supplies dealer. He claims that he applied for renewal of licence. The stocks were supplied to him for the P.D.S. distribution and at the time of check covered by the seizure, there is a shortage of stock and he failed to take the signatures of the card holders in the distribution register in token of receipt of stocks distributed to them. It is therefrom a finding of clandestine dealing. Even from the expression placed reliance by the learned counsel for the revision petitioner in **Kyasa Narayana v. State of A.P., rep. by Public Prosecutor, High Court of A.P., Hyderabad<sup>1</sup>**, the principle laid down is that there must be a finding of clandestine dealing to the confiscation. Here, suffice to say, there is a clandestine dealing to cover the principle laid down to the facts on hand. The other contention is that in Kyasa Narayana (supra) there was an order only for 30% seizure and not 100%. The facts are different to that of

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<sup>1</sup> 2013 (3) ALT (CrI.) 170 (A.P.)

shortage of rice in rice mill and clandestine dealing of P.D.S. consumables, but for to say 100% confiscation requires to modify to 50%.

3. Having regard to the above, 100% confiscation since onerous and unjust, the revision is allowed in part by reducing the same to 50% and other conditions in the order of the Collector, confirmed by the learned Sessions Judge, are upheld. The revision petitioner is entitled as per this order to take back the 50% non-confiscated stock or value of the same, by approaching the Collector.

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

17<sup>th</sup> January 2017

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**Dr. B. SIVA SANKARA RAO, J**

