

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.36154 OF 2017

ORDER:

The case of the petitioners is that the 2nd respondent confiscated the stocks belonging to the 1st petitioner and also the security deposit amount furnished by the 2nd petitioner at the time of seizure of vehicle; and that against the same the petitioner filed appeal before the appellate authority vide Criminal Appeal No.146/2015 which was allowed on 16.08.2016 setting aside the confiscation order of the 2nd respondent. Meanwhile, the petitioner was also acquitted in CC.No.37/2012 by order dated 08.05.2014. Thereafter, the petitioners made application before the 2nd respondent on 17.10.2016 under Section 6(C)(2) of the Essential Commodities Act, for release of the stocks and also for refund of the security deposit which were confiscated. As no orders are passed on the same, present writ petition is filed.

Heard learned counsel for the petitioners who submits that when once the criminal case ended in acquittal, petitioners are entitled for release of stocks and also for refund of security deposit.

Heard learned Government Pleader for Civil Supplies who submits that enquiry initiated against the petitioners is posted to 02.11.2017.

When once the petitioners were acquitted in the criminal case in respect of same charges in confiscation proceedings, they are

entitled for release of the stocks and also security deposit. In view of the same, without expressing any opinion on merits, the writ petition is disposed of directing the 2nd respondent to consider the application of the petitioner dated 17.10.2016 for release of seized stocks, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

06.11.2017
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A.RAJASHEKER REDDY, J