

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41144 of 2017

ORDER:

This writ petition is filed having been aggrieved of the orders, dated 30.10.2017, of the Commissioner, Prohibition & Excise, in Cr.No.2938/2017/CPE/TS/D1, whereby a fine of Rs.50,000/-was imposed while ordering release of the vehicle to the petitioner permanently.

I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Prohibition and Excise representing the respondents. I have perused the material record.

The facts, in brief, are as follows: - 'In an appeal preferred by the petitioner before the Commissioner of Prohibition & Excise, against the orders of the Deputy Commissioner, Prohibition & Excise, Ranga Reddy, in CR.No.A1/202/2017/DCRR, dated 29.07.2017, whereby the vehicle of the petitioner was directed to be confiscated, the Commissioner, having found that the case has been correctly booked, *inter alia*, held that the confiscation of the vehicle is disproportionate to the offence committed; and, while modifying the order of the Deputy Commissioner, directed release of the vehicle to the petitioner permanently, however, on payment of fine of Rs.50,000/-. Aggrieved thereof, the petitioner is before this Court.'

Learned counsel for the petitioner would submit that the vehicle involved is Honda Activa 3G and that the cost of the new vehicle is around Rs.55,000/- and that the subject vehicle is three or four years old as on the date of its seizure and, therefore, the fine imposed is exorbitant and requires downward revision.

Learned Government Pleader would submit that in view of the reasoning assigned by the appellate authority in the order impugned, the imposition of fine is justifiable. He would further submit that in the event this Court comes to the conclusion that the fine can be reduced, it may be reduced to only Rs.40,000/-. However, learned counsel for the petitioner would submit that imposition of fine of Rs.25,000/- would be adequate.

Having regard to the facts and submissions and the nature of the vehicle involved in the crime and its value, this Court is satisfied that while sustaining the impugned order in all other respects, the fine amount can be reduced to Rs.25,000/-.

Accordingly, the Writ Petition is disposed of; and, while sustaining the impugned order in all other respects, the fine amount is reduced to Rs.25,000/- [Rupees Twenty Five Thousand only].

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

07.12.2017
Vjl