

THE HON'BLE SRI JUSTICE P. KESHA RAO
CRIMINAL REVISION CASE NO. 2110 OF 2014

ORDER:

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor appearing for the respondent State.

2. The present Criminal Revision Case is filed against the judgment passed in CrI.A.No.115 of 2012 dated 1.4.2014 on the file of the Court of the District and Sessions Judge, Srikakulam, confirming the orders passed in S.R.No.27/2012,S5 dated 25.10.2012 by the District Collector, Srikakulam in confiscating 20% of the seized stock.

3. The facts in brief are that on a reliable information that Sri Durga Rice Mill, Saravakota, is indulging in clandestine business with paddy rice, etc., the Regional Vigilance and Enforcement Officer, Srikakulam represented by C.I. of Police, V&E department along with his staff had conducted a surprise check on 9.4.2012 at 5.00 p.m. in the presence of mediators. At that time, the petitioner was not in the mill premises. When the inspecting team asked the son of the petitioner who was present in the mill to show the records, he expressed his inability by saying that he does not know where the account books are placed. However, the inspection team, after verifying the ground position and after verifying the office room

and its surroundings with regard to the records, observed that the petitioner is doing clandestine business without any records. Therefore, the stocks were handed over to the Tahsildar, Saravakota, requesting to take action. Pursuant there to, the Tahsildar, Saravakota, handed over the stock to VRO Aludu/Buditi. In connection with the same, a charge has been framed against the petitioner under Clause 16 (1) of the AP Rice Procurement (levy order) 1984. Accordingly, show cause notice dated 14.8.2012 was issued for cancellation of B-Form license. Pursuant thereto, the petitioner submitted an explanation dated 24.11.2012. After considering the explanation, the District Collector, Srikakulam issued orders vide proceedings S.R.No.27/2012, S5 dated 25.10.2012 holding that the petitioner is guilty of charge and ordered confiscation of 20% of the seized stock value. Aggrieved by the said orders, the petitioner filed an appeal in CrI.A.No.115 of 2012 on the file of the Court of the District and Sessions Judge, Srikakulam. After hearing, the learned District Judge was pleased to dismiss the appeal by judgment dated 1.4.2014, confirming the orders passed by the District Collector. Aggrieved by the said judgment, the present Criminal Revision Case is filed.

4. Learned counsel for the petitioner would contend that the son of the petitioner who was present at the time of inspection by the concerned Vigilance and Enforcement staff, could not place the records before them since he was not aware as to where the records were placed. At the time of inspection, the petitioner was at Visakhapatnam. But, at the same time, it is observed by the inspecting staff that on verification in the office room and the premises, they could not trace the records, thereby an inference was drawn that the petitioner was doing clandestine business without maintaining the records.

5. Per contra, learned Public Prosecutor appearing for the respondent State supported the impugned judgment.

6. Having heard both the counsel and from a perusal of the material on record, it is revealed that though the son of the petitioner informed the inspection team as to where the records were placed by his father but during the verification of the office room and the premises, the records were not traced, thereby an inference was drawn by the Vigilance and Enforcement officials that the petitioner was doing clandestine business without maintaining any records. But, in the objections raised by the petitioner, he has stated that on the date of inspection i.e., 9.4.2012, the petitioner was at Visakhapatnam, F.C.I. Main Depot along with the President and

other Office bearers of the District Rice Millers Association, Srikakulam, for diversion of the delivery of the rice of FCI to Pendurthi Godowns, etc., Even though the petitioner was not present on the date of inspection, the records would have been find place in the premises. Though the petitioner submitted a claim-cum-objection petition before the Collector, Srikakulam, a perusal of the same would not disclose that the records were submitted along with the objections. This is also one of the strong circumstances which supports the findings of the Vigilance and Enforcement staff that the petitioner was doing clandestine business in rice without maintaining any records. In fact, the learned District Judge found that the explanation submitted by the petitioner that he was maintaining the records properly and those records were in the office room under his lock and key, cannot be accepted since the inspection report and the panchanama indicate that on inspection of the rice mill and the office room, no records were found. On appeal, the lower appellate Court, based on the material available on record, has observed that the petitioner was not maintaining the records and confirmed the orders passed by the District Collector, Srikakulam. In spite of the same, the appellate authority i.e., the District Collector, Srikakulam has taken a

lenient view and ordered confiscation of 20% of the seized stock.

7. In the light of the above discussion, when the District Collector has taken a very lenient view which has been confirmed by the lower appellate Court, this Court does not find any merit in the submissions made by the learned counsel for the petitioner.

8. There are no merits in the Criminal Revision Case and accordingly, the Criminal Revision Case is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

Date: 24.8.2018

KPM

P. KESHA RAO, J

