

THE HON'BLE Dr JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.2923 of 2017

ORDER:

This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner, to set aside the order, dated 11.07.2017, passed in Criminal Appeal No.137 of 2016 by the Principal Sessions Judge at Nalgonda, whereby, the learned Principal Sessions Judge, while confirming the order, dated 18.08.2016, passed in CS1/963/2016 by the District Collector, Nalgonda, modified the confiscation of seized stock from 65% to 35% and issued appropriate directions to the authorities concerned.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the 3rd respondent and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner is having agricultural land. He has also filed the certificates issued by the revenue authorities showing the cultivation of Redgram of 547.20 quintals. Both the learned Principal Sessions Judge and the District Collector did not consider the same. The judgments passed by both the Courts below are erroneous and contrary to the facts and circumstances of the case and ultimately prayed to allow the Criminal Revision Case.

4. The learned Assistant Public Prosecutor would submit that the petitioner has made inconsistent submissions before the District Collector with regard to his possession of land and

cultivation of the seized Redgram. Both the Courts below, having appreciated the evidence on record in proper perspective, passed reasoned judgments. There was a direction to confiscate only 35% of the Redgram seized and ultimately prayed to dismiss the Criminal Revision Case.

5. In view of the rival contentions, the point that arise for consideration in this Criminal Revision Case is whether confiscation of 35% of the Redgram seized from the possession of the petitioner is liable to be set aside.

6. As seen from the material on record, the petitioner has taken inconsistent pleas with regard to his possession of agricultural land and also cultivation of the Redgram seized. Admittedly, there is no licence to the petitioner to carry on the business in Redgram. When the Redgram was seized under a cover of panchanama, the petitioner did not produce any document to substantiate his defence before the authorities concerned and he only pleaded mercy. It is averred on behalf of the petitioner before the Court below that he gained the seized Redgram from the local ryots and also from his parents. Merely because the petitioner is said to have taken some land on lease and was cultivating the said land personally, it cannot be held that he produced the seized Redgram. There is no material to believe that the Redgram seized from the possession of the petitioner was cultivated by him. The facts and circumstances of the case clearly demonstrate the contravention of the provision under Section 3 of the Essential Commodities Act, 1955, by the petitioner. This Court does not see any infirmity in

the impugned order. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

7. In the result, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

Dr. SHAMEEM AKTHER, J

04th April, 2018
Bvv

