

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.RC.No.360 of 2018

R.Radhakrishnan ..Petitioner/Appellant/Petitioner

Vs.

1.The District Revenue Officer,
O/o. District Collector Office,
Perundurai Road, Erode.

2.The Inspector of Police,
Civil Supplies Crime Investigation Team,
Erode, ..Respondents/Respondents/Complainant

Prayer: Criminal Revision case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the judgment passed by the learned II Additional District Sessions Judge, Erode in C.A.No.44 of 2016 dated 13.03.2017 confirming the order passed by the Erode District Revenue Officer and Additional District Magistrate, Erode in Na.Ka.No.5065/2015/Ka3 dated 15.02.2016.

For Petitioner : Mr.M.Senthilkumar

For Respondents: Mr.R.Ravichandran

Government Advocate (Criminal Side)

O R D E R

The second respondent filed a case against the revision petitioner, during the inspection one Eachear Maxi Cap Vehicle bearing Registration No.KA.05 AD 9798 found with 7 bags of PDS rice of which each 300 kgms. The second respondent police had conducted an investigation on the driver of the Vehicle. The revision petitioner is the owner of the vehicle and the second respondent is the police who had registered a case in Crime No.8 of 2015 for the offence under Section 6(4) of TNSC (RPSS) order 1982 r/w. 7(1) a(ii) of E.C.Act 1955 against the petitioner.

2. The respondent had seized the vehicle and also the PDS rice and the same was handed over to the first respondent on 23.02.2015, and on 17.03.2015 the first respondent have issued the show cause notice to the petitioner. On 26.03.2015, the petitioner and driver of the vehicle had submitted an

explanation and supporting documents before the first respondent in person that they have not committed any offence. The first respondent had passed an order in Na.Ka.No.5065/2015/Ka3 dated 15.02.2016 and imposed a fine of Rs.8,00,000/- to the petitioner. As against the said order, the respondents filed an appeal before the Principal District and Sessions Judge, Erode in CrI.A.No.44 of 2016 and the same was dismissed on 13.03.2017. As against the dismissal order, the appellant filed the present revision case before this Court.

3. Even though, this Criminal Revision Case had been filed with a delay, the delay was condoned, subsequently, the revision is taken on file and posted for several adjournments. But, there was representation on behalf of the petitioner either in person or through advocate.

4. The learned Government Advocate (Criminal Side) would submit that the vehicle was seized with PDS rice and conviction order was passed by the first respondent, against which he filed an appeal. The appeal was also dismissed and he filed the present revision. Hence, the learned Government Advocate prays for dismissal of this revision

5. On a perusal of the records, there is an overt act against the revision petitioner and admittedly the vehicle and the rice was seized. During the investigation, after issuing the show cause notice and completing the enquiry the learned II Additional Sessions Judge passed a conviction order in Na.Ka.No.5065/2015/K3 dated 15.02.2016, as against the said order the petitioner filed a revision case.

6. Admittedly, the case was registered against the revision petitioner in Crime No.8 of 2015 for the offence under Section 6(4) of TNSC (RPSS) order 1982 r/w. 7(1) a(ii) of E.C.Act 1955 . Considering the facts and circumstances of the case, this Court does not want to interfere with the order passed by the trial Court. In this case, the petitioner did not appear and defend his case. However, this Court does not find any merit in this revision. Accordingly, the revision case is dismissed in the admission stage itself.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The II Additional District Sessions Judge,
Erode.
- 2.The District Revenue Officer,
O/o. District Collector Office,
Perundurai Road,
Erode.
- 3.The Inspector of Police,
Civil Supplies Crime Investigation Team,
Erode.
- 4.The Public Prosecutor,
High Court, Chennai.

AKM/07.01.2020/3P-5C /

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