

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.07.2019****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Crl.R.C. (MD)No.697 of 2010**

WEB COPY

K.Sheik Mohammed

... Petitioner/Appellant/Claimant

Vs.

1. State by
The Inspector of Police,
West Police Station,
Thanjavur.

... 1st Respondent/1st Respondent/
Complainant

2. The District Revenue Officer,
Collectrate Complex,
Court Road, Thanjavur.

... 2nd Respondent/2nd Respondent/
Enquiry Officer

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to set aside the order passed in C.A.No.54 of 2008, on the file of Appellate Court/Fast Track Court No.I, Thanjavur, dated 24.05.2010, confirming the order passed in SR.No.105 of 2006, M3, dated 02.05.2008, on the file of the District Revenue Officer, Thanjavur and release the lorry in bearing No.TDR 394 in favour of the petitioner.

For Petitioner : Mr.K.Kumaravel
For Respondents : Mr.A.Robinson
Govt. Advocate (Crl. Side)

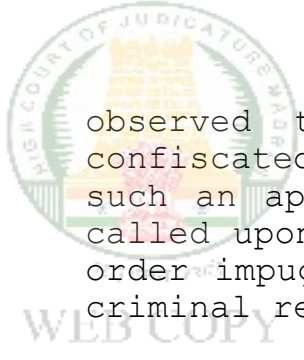
O R D E R

The petitioner was shown as an accused in Crime No.1017 of 2007, on the file of the Inspector of Police, West Police Station, Thanjavur, for the offence under Section 7 (1) (a) (ii) of Essential Commodities Act, 1955 r/w. 6(A) of Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982.

2.It is not in dispute that the prosecution against the petitioner ended in acquittal on 31.01.2017 in C.C.No.349 of 2007, on the file of the learned Judicial Magistrate No.I, Thanjavur.

3.Now the question is whether the order confiscating the petitioner's vehicle as well as the items can survive the acquittal.

4.I went through the impugned order passed by the learned Additional District Judge, Fast Track Court No.I, Thanjavur. By order dated 24.05.2010, the learned Sessions Judge in C.A.No.54 of 2008, had sustained the order passed by the District Revenue Officer, Thanjavur. In his order, the learned Sessions Judge had



observed that the petitioner herein had not proved that the confiscated rice does not belong to PDS variety. I am afraid such an approach is patently illegal. The appellant could not be called upon to prove the negative. In this view of the matter, the order impugned in this criminal revision case is set aside and the criminal revision case stands allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. Fast Track Court No.I,
Thanjavur.

Through

1. **The Principal District Judge,
Thanjavur**

2. The Inspector of Police,
West Police Station,
Thanjavur.

3. The District Revenue Officer,
Collectrate Complex,
Court Road,
Thanjavur.

+1 CC to Mr.K.KUMARAVEL, Advocate (SR-74084[F] dated 08/07/2019)

Cr1.R.C. (MD) No.697 of 2010
08.07.2019

ias

MK (27.08.2019) 2P 6C