



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Order  
28.06.2021

Date of Pronouncing Order  
27.09.2021

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.804 of 2015

- 1.Thimmarayappa
- 2.Namachivayam
- 3.T. Thangavel Nadar

.. Petitioners/Appellants

Vs.

1. The Deputy Commissioner of  
Civil Supplies (North) City &  
Consumer Protection Department,  
Ezilagam Annexe, 4th Floor,  
Chepauk, Chennai-5.

2. The Inspector of Police,  
Civil Supplies C.I.D.,  
North Unit, Chennai-10.

.. Respondents/Respondents

PRAYER : Petition filed under Section 397 and 401 of the Criminal Procedure Code, to call for the records on the file of the first respondent in his proceedings Naka.No.3/2816/97 dated 18.08.1998 and confirmed in Cr1.A.No.103/2003 on the file of the Principal Judge, City Civil Court, Chennai and set aside the same.

For Petitioners : No Appearance

For Respondents : Mr. R. Vinoth Raja,  
Government Advocate

O R D E R

The matter is heard through "Video Conference".

2. The unsuccessful owner of the rice and lorry are the revision petitioners herein.



3. Heard, the learned Government Advocate for the respondent. There is no representation for the petitioner.

4. On perusal of the record, I find that the first revision petitioner is the owner of the lorry, which was confiscated. The revision petitioners 2 and 3 are the owners of the rice, necessary action has been taken after the seizure of the material under the Essential Commodities Act. The confiscation authority has seized the 119 bags of rice along with the lorry and passed an order of confiscation and the same was challenged before the Principal Sessions Judge, City Civil Court, Chennai in CrI.A.No.103/2015 dated 20.03.2015, with the modification, the appeal was allowed. Having not satisfied, they preferred this revision.

5. Record reveals that admittedly, the lorry in question belongs to the first petitioner herein. It was seized with 119 bags of rice for the alleged contravention of Clause 4(1) of Tamil Nadu Essential Trade Articles (Regulation of Trade) Order 1984. It is not in dispute that the rice in question is an essential commodity. TNETA Order 1984 was made for securing equitable distribution of essential commodities and its availability, at fair prices and for the regulation of Trade in the essential commodities.

6. In the impugned order, the first respondent had pointed out that the petitioners 2 and 3 have not produced their licence, stock registers and procurement registers. He has also pointed out that the petitioners 2 and 3 have failed to establish their case by producing sufficient materials. The appellants who have come on appeal, have not shown any document before this Court that they held valid licence issued by the licencing authority in accordance with TNETA Order 1984 at the relevant time, there has been contravention of the provisions of TNETA Order 1984. Under Section 6(A), if the confiscation authority is satisfied that there has been contravention of the order, he may order confiscation.

7. Seizure of the rice and vehicle was not done in accordance with the provisions of Section 100 and 165 Cr.P.C., 1973. In the decision reported in "Radha Krishnan Vs. State of Uttar Pradesh (AIR 1963 S.C.822)", the Hon'ble Supreme Court has held that even assuming that the search was illegal, yet the seizure of the articles is not vitiated.

8. As per the second proviso to Section 6A(1) of the Act, the first respondent is empowered to impose a fine in lieu of the confiscation of the vehicle, which should not exceed the market price of the vehicle on the date of seizure of essential



commodity. The confiscating authority imposed a fine of Rs.1,07,100/- in lieu of confiscation of vehicle. It is said that the High Court in W.P.No.7732/1999, has passed conditional order, to deposit a sum of Rs.70,000/- for release of the lorry.

WEB COPY

9. Accordingly, lorry was released with certain conditions to the appellant by order dated 26.04.2000. The fine imposed on the owner of the vehicle by the confiscating authority is reduced from Rs.1,07,100/- to Rs.70,000/-. Excess amount, if any, paid by the first petitioner/first appellant is ordered to be refunded to him by the authority. and thereby, the fine imposed by on the owner of the vehicle namely the first revision petitioner, by the confiscating authority was reduced from 1,07,100/-. On appreciation of the steps taken by the respondent and the confession order, does not suffer from any irregularity or illegality warranting interference and the reduction of Rs.70,000/- by the appellate authority, appears to be reasonable. Hence, I find, no reason to interfere with the order of the Court below.

10. Accordingly, the criminal revision case stands dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Principal Judge, City Civil Court,  
Chennai
2. The Deputy Commissioner of  
Civil Supplies (North) City &  
Consumer Protection Department,  
Ezilagam Annexe, 4th Floor,  
Chepauk, Chennai-5.
3. The Inspector of Police,  
Civil Supplies C.I.D.,  
North Unit, Chennai-10.



4. The Public Prosecutor,  
High Court of Madras.

WEB COPY

MG (CO)  
K.RK. (13.10.2021)

Pre-delivery Order in  
Crl.R.C.No.804 of 2015