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Crl.RC.No.1447 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

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1. The Deputy Commissioner,
(City) North,
Tamil Nadu Civil Supplies and Consumer
Protection Department,
Chepauk, Chennai.
2. The State Rep. By
The Inspector of Police,
Tamil Nadu Civil Supplies
Investigation Department,
Chennai. ... Petitioners/Respondents/Complainants

Versus

Christopher ... Respondent/Appellant/Accused

PRAYER: Criminal Revision is filed under Sections 397 & 401 of Cr.P.C., to allow the Revision Petition and set aside the Order passed by the learned Principal Sessions Judge, Chennai in Crl.A.No.136 of 2021 dated 19.04.2022.



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For Petitioners : Mr.S.Sugendran
Additional Public Prosecutor

For Respondent : No Appearance

ORDER

This Criminal Revision has been filed to set aside the Order passed by the learned Principal Sessions Judge, Chennai in Crl.A.No.136 of 2021 dated 19.04.2022.

2. The case of the prosecution is that the seized vehicle bearing Registration No.TN-05-AL-0909 belongs to the respondent herein and the respondent was involved in smuggling of PDS rice weighing about 2200 kg on 03.12.2019. Hence, the case was registered in Cr.No.407 of 2019 dated 04.12.2019 under Section 6 of Essential Commodities Act. Though notices were sent to the accused/respondent herein, he did not appear. Hence, the vehicle was confiscated by the competent Authority viz., the Deputy Commissioner (City) North, Tamil Nadu, Civil Supplies and Consumer



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Protection Department vide order dated 24.02.2020 in

Na.Ka.No.3/6687/2019. Aggrieved over the same, the respondent herein has preferred appeal in Crl.A.No.136 of 2021 before the learned Principal Sessions Judge, Chennai. The learned Sessions Judge allowed the appeal and set aside the order passed by the first petitioner herein on the ground that the first petitioner herein has not followed the statutory provisions.

3. Challenging the order of the learned Sessions Judge, the State filed this petition before this Court.

4. Though notice was served on the respondent, none appeared on behalf of the respondent.

5. The learned Additional Public Prosecutor appearing for the petitioners/State would submit that since the case was register for offence under the Essential Commodities Act, the vehicle involved in smuggling of PDS rice is to be subjected to confiscation and therefore the confiscation was initiated. Hence, he seeks to set aside the order of the learned Sessions Judge



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and allow the revision.

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6. On a perusal of the Order passed by the learned Sessions Judge, the reasons assigned by the learned Sessions Judge is that the first petitioner herein has not followed the statutory provisions and also violated the principles of natural justice and therefore, the learned Sessions Judge has allowed the appeal and set aside the order of the first petitioner. Since it is an offence involved under the Essential Commodities Act, the vehicle was to be seized along with PDS rice. Therefore, as per the Essential Commodities Act, the vehicle involved in smuggling of PDS rice is subjected to confiscation. Under the said circumstances, it is to be decided as to (1) Whether the petitioners herein have not followed principle of natural justice or violated the procedure contemplated under the Act? (2) Whether opportunity was given to the respondent or not?. This Court finds that the first petitioner has not followed the procedure. Hence, the order passed by the first petitioner in Na.Ka.No.3/6687/2019 and the order passed by the learned Principal Sessions Judge, Chennai in Crl.A.No.136 of 2021 dated 19.04.2022 are set aside. However, the petitioners are at liberty to take a fresh proceedings after giving opportunity to the respondent.



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With the above direction, this Criminal Revision is disposed of.

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Index: Yes/No

Internet: Yes/No

To

1. The learned Principal Sessions Judge,
Chennai.
2. The Public Prosecutor,
Madras High Court,
Madras.



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P.VELMURUGAN, J.

dh

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