

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

CRIMINAL REVISION CASE NO: 177 OF 2010

Criminal Revision Case under Section 397 & 401 of Cr.P.C against the Judgment dated 31-12-2009 Passed in Cri.A.No. 123 of 2009 on the file of the Court of Sessions Judge, at Karimnagar Confirming the Order dated 22.10.2009 in File No. G3/40/2009 on the file of the court of the ^{Shiva}Collector, Karimnagar.

Between:

V.Naga Raju, S/o Rajesham, aged about 51 years, Occ: Business, Proprietor of Shiva Rice Depot, Karimnagar District.

...PETITIONER/APPELLANT/RESPONDENT

AND

The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of A.P., at Hyderabad.

...RESPONDENT

CRLRCMP. NO: 261 OF 2010

Petition under Section 397 (1) CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Judgment dt. 31-12-2009 in Cri.A.No. 123 of 2009 on the file of the Court of Sessions Judge, at Karimnagar, which was passed by modifying the order passed by the District Collector, Karimnagar in File No.G3/40/2009, dt.22-10-2009, pending disposal of above Criminal Revision Case :

Counsel for the Petitioner :SRI. A PRABHAKAR RAO

Counsel for the Respondent : ASSISTANT PUBLIC PROSECUTOR(TS)

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL REVISION CASE No.177 of 2010

ORDER :

The present Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure (Cr.P.C.), against the judgment dated 31.12.2009 passed in Criminal Appeal No.123 of 2009, by the learned Sessions Judge, Karimnagar, confirming the order dated 22.10.2009 passed in File No.G3/40/2009, by the District Collector, Karimnagar, while modifying the extent of confiscation of seized stock from 100% to 25%.

2. The facts of the case are as under:

The petitioner is proprietor of M/s. Shiva Rice Depot, Karimnagar, on receipt of credible information that he was indulging in clandestine business in sale of Food Grains i.e. Rice, he and Tahsildhar Vigilance and Enforcement and its staff have visited the locality and verified stock register, receipt submitted for obtaining license. After verification it is noticed that the dealer was maintaining the stock register from 1.10.2008 and the last sale of transaction was 15.12.2008 and he has stated that there were no sales from 16.12.2008 to till 06.01.2009. As per stock register the available stock is 378 quintals, but actual

rice available on ground balance was 346 quintals, thus they found variation of 31.50 quintals of rice, which is contravention of Section 3 of A.P. Scheduled Commodities (Licensing, Storage and Regulation) Order, 2008. The dealer is also not issuing bills and not submitting C-Form returns to the Licensing authority as per the rules. They seized the available stock of 68.25 quintals of BPT rice, 110.50 quintals of Superfine rice and 167.75 quintals of fine rice in all worth Rs.6,19,625/- under cover of panchanama and booked a case under Section 6-A of E.C. Act. Aggrieved by the said seizure the appellant filed W.P.No.400 of 2009 wherein it is directed vide W.P.M.P.No.474 of 2009 the goods seized should not be sold till disposal of the appeal. After hearing the contentions of the respondent the learned Collector ordered for confiscation of 100% value of the stock to the Government. The learned Sessions Judge, by judgment, dated 31.12.2009, modified the appeal but however reduced the confiscation of stock from 100% to 25%. Aggrieved by the same, the present revision is preferred by the petitioner.

3. Heard the learned counsel for the petitioner Sri A.Prabhakar Rao and learned Assistant Public Prosecutor representing for the respondent-state and perused the material available on record.

4. Learned counsel for the petitioner submits that the quantum of confiscation ordered by the Collector, and reduced by the lower appellate Court, may further be reduced to 10%.

5. Learned Public Prosecutor appearing for the State, however, does not dispute reduction in percentage of seized stock.

6. On a perusal of the material available on record, it is obvious that the petitioner has not maintained any correct books by issuing bills and there is variation of stock was found in the mill as against the records maintained by the petitioner. On appreciation of facts and circumstances of the case, the lower appellate Court having observed that the confiscation ordered by the District Collector is excessive and disproportionate to the violation alleged, modified the order of the District Collector by reducing the confiscation of stock from 100% to 25%. This Court finds no illegality or irregularity in the judgment passed by the lower appellate Court. But however, to meet the ends of justice and in the circumstances of the case, this Court is inclined to reduce the said confiscation from 25% to 10%.

7. With the above modification, the Criminal Revision Case is disposed of.

Consequently, miscellaneous applications pending, if any,
shall stand closed.

SD/-A.V.S.S.C.S.M.SARMA
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Sessions Judge, at Karimnagar .(with records if any)
2. The District Collector, Karimnagar. .(with records if any)
3. The Assistant Supply Officer Sircilla Karimnagar District.
4. Two CCs to Public Prosecutor, High Court for the State of Telangana, at Hyderabad.(OUT)
5. One CC to SRI. A PRABHAKAR RAO Advocate [OPUC]
6. Two CD Copies
7. One Spare Copy

CDL



HIGH COURT

DATED:15/07/2022

ORDER

CRLRC.No.177 of 2010



DISPOSING OF THE CRL.R.C.

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[Signature]
15/10/2022