

THE HONOURABLE DR. JUSTICE D. NAGARJUN

CRIMINAL REVISION CASE No.337 of 2012

ORDER:

Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent State.

02. The present revision case is filed against the Judgment dated 15.11.2011 passed in CrI.A.No.185 of 2009 on the file of the learned Principal Sessions Judge, Nalgonda, wherein the Orders dated 10.08.2009 of the District Collector, Nalgonda confiscating 100% value of the seized stock in favour of the State Government was modified and reduced to 50% value of the seized stock.

03. The facts in brief are that on 15.07.2009 at about 11.00 a.m., the Task Force Team, Suryapet, inspected the rice mill of one Dasa Madhusudhan Rao, who is contractor of Sri Gopalakrishna Rice and Flour Mill, Mellcheruvu and found 321.95 quintals of BPT rice, 15.50 quintals of broken rice and 88.90 quintals of BPT paddy stock in 12 rooms. On demand the said Madhusudhan Rao informed that he took the mill on contract for two years from its owner Sri Oruganti China Gopaiah and the stock belongs to farmers and that he did not

possess any FGL. He also informed that out of 12 rooms 2 rooms are being used as store rooms, 1 room was given to fertilizer dealer for storage of fertilizers and the remaining rooms were taken on monthly rent basis by the farmers for storage of paddy.

04. The inspection team after coming to the conclusion that the contractor with an intention to divert the BPT rice into black market has seized 4117.40 quintals of BPT paddy, 321.95 quintals of BPT rice, 15.50 quintals of broken rice and 742 quintals of 1010 paddy worth Rs.77,52,475/- under cover of panchanama and handed over to VRO, Mellacheruvu for safe custody and a show cause notice was issued to the said contractor.

05. One Shagamreddy Srinivas Reddy and 18 other farmers have submitted representations stating that they have taken the godowns of Gopalakrishna Rice Mill on rent for storage of their agriculture produced paddy and submitted the lease agreements and requested to release the paddy. The said representations were sent to the Tahsildar, Mellacheruvu for conducting enquiry and submitting a report. Accordingly, the Tahsildar after conducting enquiry and verifying the records

found that the paddy stored by the farmers in the godowns is less than the quantity of paddy produced by them for Khariff/Abi, Rabi/Tabi season for 2008-09 and the representations of the farmers are genuine.

06. Similarly, one Varra Venkat Reddy and 10 others have also submitted another representation stating that they have also stored their paddy in the rice mill for milling purpose due to lack of space in their residence and power failure and that after converting some paddy into rice, they stored the paddy and rice for their personal consumption and requested to release the stock. Disbelieving the version of the said Varra Venkat Reddy and 10 others on the ground that for personal consumption 20 to 40 quintals of rice cannot be kept by each farmer, the District Collector rejected their representation.

07. The District Collector, Nalgonda, after appreciating the matter and also considering the report of the Tahsildar, passed orders on 10.08.2009 ordering confiscation of 100% value of the seized stock i.e., 89.40 quintals of BPT paddy, 321.95 quintals of BPT rice and 15.50 quintals of broken rice in favour of the Government and directed the District Manager, APSCSC Limited, Nalgonda/Tahsildar to dispose of the said

stock through public auction and to remit the amount in to the Government account.

08. Aggrieved by the said orders, the petitioners filed an appeal vide CrI.A.No.185 of 2009 before the Principal Sessions Judge, Nalgonda. The learned Sessions Judge, after hearing, was pleased to allow the appeal in part by judgment dated 15.11.2011. Aggrieved by the same, the present revision case is filed.

09. Learned counsel appearing for the petitioners would contend that though the Tahsildar, Mellacheruvu, has submitted his report stating that the quantity of stock stored in the godowns is less than the stock produced by the farmers, the District Collector on presumptions and assumptions rejected the claim of the petitioners for release of the seized stock and that the appellate Court though released 50% of the seized stock in favour of the petitioners, erroneously held that the petitioners are liable for penalization for storing stock. Both the Courts below should have taken into consideration that the petitioners are the agriculturists and there is no bar for converting the paddy into rice and that mere storage of rice does not amount to doing business. He further submitted that the prosecution

never said that the petitioners are doing business and that the petitioners being agriculturists in order to get good returns for the paddy they produced, stored the same in godowns for which no licence is required and that confiscation of 50% of the seized stock is erroneous and prayed the Court to allow the criminal revision case.

10. Per contra, learned Public Prosecutor appearing for the respondent State supported the impugned order and prayed the Court to dismiss the revision case.

11. Having heard both the counsel and from the perusal of the material on record, the only question that arises for consideration is:

In the light of the representation submitted by the petitioners, whether confiscation of 50% value of the seized stock is warranted?

12. The learned District Collector, Nalgonda District as per proceedings in Case No.CS1/1767/2009 dated 10.08.2009 has passed speaking Order in respect of BPT paddy, rice and broken rice seized belonging to the petitioner wherein basing on the report of Tahsildar has held that 4117.40 quintals of BPT paddy, 742 quintals of 1010 variety of paddy, 321.95 quintals of

BPT rice and 15.50 quintals of broken rice, belonging to the farmers but have stored them in their rice mill for personal consumption.

13. However, the District Collector in respect of 89.40 quintals of BPT paddy, 321.95 quintals of BPT rice and 15.50 quintals broken rice was found in the said rice mill which was not claimed by any of the farmer. Similarly, the petitioner also failed to produce any material to show that those quintals of paddy, rice etc., belong to the farmer and did not belong to the petitioner, on which the District Collector confiscated entire value of 89-40 quintals of BPT paddy, 321.91 quintals of BPT rice and 15-50 quintals of broken rice is confiscated to the State.

14. Aggrieved by the same, the petitioner has preferred an appeal before the learned Principal Sessions Judge, Nalgonda and the learned Principal Sessions Judge, Nalgonda by way of speaking order, on discussing entire material on record has found and observed that contention of the petitioner keeping paddy, broken rice, for their personal consumption as not believable as the quantity as huge. While observing that the learned Principal Sessions Judge, Nalgonda, has found that

even though there is a violation on the part of the petitioner, confiscation of entire stock which is found harsh and therefore, modified the confiscation of the stock from 100 % to 50 % value of the confiscated paddy.

15. In the present petition also the grounds which were urged before the Appellate Court were repeated. No additional material is filed to show that the paddy, rice etc., belong to the farmers. The petitioner who has taken the rice mill on lease is not expected to keep the paddy and rice without any license, thereby the appellate Court was justified in modifying of confiscation value of the paddy and rice from 100 % to 50 %. This Court is of the opinion that there are no reasons to interfere with the Orders of the learned Principal Sessions Judge, Nalgonda and this Criminal Revision Case is liable to be dismissed.

16. Accordingly, this Criminal Revision Case is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

DR. D. NAGARJUN, J

Date: 11-Nov-2022
KHRM

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