

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL REVISION CASE No.59 of 2017

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 27.10.2016 passed in Criminal Appeal No.13 of 2016, by the learned Principal Sessions Judge, Adilabad, confirming the order, dated 02.01.2016 passed in CS6/917/2015, by the District Collector, Adilabad.

2. The facts of the case are as under:

On 29.10.2015 at about 10.15 AM, the Vigilance Authorities of Karimnagar visited Om Trading Company of the petitioner at Mancherial and on verification of the stock, they noticed shortage of 24.5 quintals pulses and 101.640 kgs in edible oil with the book balance and it is observed that the petitioner was not maintaining the stock register from 22.10.2015 onwards and he has also not submitted Form C returns to the licensing authority and thus violated the Control Order 2008 and therefore the entire ground stock worth Rs.13,33,174-43 ps was seized and 6-A case was registered against the petitioner and finally the Collector (Civil Supplies),

Adilabad ordered for confiscation of 35% of the stock seized in favour of the Government.

3. The learned Principal Sessions Judge, Adilabad, by judgment, dated 27.10.2016, confirmed the order dated 02.01.2016 passed in CS6/917/2015, by the District Collector, Adilabad. Aggrieved by the same, the present revision is preferred by the petitioner.

4. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor representing for the respondent-state and perused the material available on record.

5. Learned counsel for the petitioner submits that the petitioner maintained all the registers but during the period of inspection as he fell ill and his sons were maintaining the shop there arose some variations in the stock in between the book balance and the ground balance, but itself is not sufficient to hold that he contravened the provisions of the Control Orders and prayed to reduce the confiscation from 35% to 10%.

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

7. On a perusal of the material available on record, it is obvious that there is variation in between the book balance and the ground balance on the date of inspection. On appreciation of facts and circumstances of the case, the lower appellate Court confirmed the order, dated 02.01.2016 passed in CS6/917/2015, by the District Collector, Adilabad. 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 35% to 10%.

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

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

JUVVADI SRIDEVI, J

30.01.2023
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