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Crl.RC.No.361 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.361 of 2022

and

Crl.MP.No.3761 of 2022

Kamepalli Seshagiri Rao

...Petitioner

Vs.

1. The Inspector of Police, Civil Supplies,
Crime Investigation Department (CS-CID) Tamilnadu,
Civil Supplies Corporation,
Near:Sri Niketan Vidyanilayam,
Tiruvallur - 602 001, Tamil Nadu.

2. The District Revenue Officer &
Additional District Magistrate,
Master Plan Complex, Collectorate,
Thiruvallur – 602 001, Tamil Nadu.

...Respondents

Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the proceedings in RC.No.393/2013/S3 of the District Revenue Officer and Additional Magistrate, Thiruvallur as confirmed in Crl. Appeal No.71/2019 dated 11.08.2021 passed by the DRO and Additional District and Sessions Judge, Thiruvallur and pass such order to pay entire value of the confiscated



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vehicle ie., Rs.8,00,000/- with interest @ 18% p.a., from the date of seizure of the vehicle.

For Petitioner : Mr.Telikepalli Srinivasamurthy

For Respondents : Mr.A.Gopinath, GA (Crl. Side)

ORDER

This Criminal Revision case has been filed seeking quashment of the judgment dated 11.08.2021 made in Crl.A.No.71 of 2019, confirming the order passed by the District Revenue Officer and Additional Magistrate, Tiruvallur in RC.No.393/2013/S3 dated 18.01.2016.

2. The case of the petitioner is that, he is the owner of the lorry bearing Regn.No.AP-27-W-2975 and the same was purchased by him on hire purchase agreement and plying the same for transportation of goods. While so, based on some false complaints, the law enforcing agency seized the petitioner's vehicle on 13.12.2012 on the ground that the said Lorry was used for smuggling PDS Rice. Thereafter, the District Revenue Officer, vide order dated 18.01.2016 directed the petitioner to pay a sum of Rs.2,25,000/- towards fine for release of the above said vehicle. Aggrieved by the same, the



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petitioner preferred an appeal in Crl.A.No.71 of 2019 and the lower appellate court, vide order dated 11.08.2021 dismissed the said appeal, confirming the order of the District Revenue Officer dated 18.01.2016. Challenging the same, the petitioner has come up with this Revision.

3. Learned counsel for the petitioner submitted that, admittedly the petitioner is the owner of the vehicle and he did not commit any offence as alleged by the prosecution and the said vehicle was utilised by his driver and other persons for illegal purpose without the knowledge of the petitioner. Even then, the 2nd respondent, without following the mandatory procedures contemplated under the Act had passed the order, directing the petitioner to pay a fine amount of Rs.2,25,000/- for release of the said vehicle and no show cause notice was issued to the petitioner, which is wholly unsustainable. He further submitted that, when there is a specific allegation against the petitioner that, his vehicle was used for illegal transportation of the PDS rice, however, no expert opinion was obtained by the officials to prove that the seized rice is PDS rice. Further, the petitioner's vehicle was seized in the year 2012, however, the order directing the petitioner to pay



fine for release of vehicle was passed only in the year 2016, after a lapse of four years. He further more submitted that, since the petitioner's vehicle was seized and the same is being kept in open place, the vehicle is prone to corrosion and deterioration by being in open atmosphere, thereby, the value of the vehicle would diminish over a period of time. Further, for the purpose of his livelihood, the petitioner requires his vehicle as otherwise, he would be put to hardship and irreparable loss. Accordingly, he prayed for allowing this criminal revision petition.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondents submitted that, subsequent to the seizure, the sample was sent for expert opinion and the expert had opined that the seized rice is a PDS rice. He further submitted that, despite receiving the notice, calling upon the petitioner to attend enquiry, he did not participate in the enquiry proceedings and only after the order of this Court, the petitioner participated in the proceedings and only after affording sufficient opportunity to the petitioner, the District Revenue Officer, vide order dated 18.01.2016 directed the petitioner to pay a sum of Rs.2,25,000/- towards fine for release



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of the above said vehicle and the same does not warrants interference of this

Court. Accordingly, he prayed for dismissal of this petition.

5. Heard learned counsel on either side and peursed the material documents placed on record.

6. Admittedly, the petitioner's vehicle was seized by the law enforcing agency on 13.12.2012 on the ground that the said vehicle was used for illegal transportation of PDS Rice and thereafter, the District Revenue Officer, vide order dated 18.01.2016 directed the petitioner to pay a sum of Rs.2,25,000/- towards fine for release of the vehicle.

7. Though the petitioner claim that the seized rice was not sent for expert opinion to establish that the seized rice is PDS rice, however, a perusal of the materials placed on record particularly the impugned order reveals that, pursuant to the seizure of vehicle, the rice seized has been handed over and deposited with the Commercial Godown of the Civil Supplies Department on 02.01.2013 and on 17.01.2013, the rice seized was



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confirmed to be PDS rice and thereby, the same was ordered to be sold and the sale proceeds was directed to be deposited into the Government account.

Further, instead of initiating confiscation proceedings, the 2nd respondent, in order to provide an opportunity to the petitioner, vide order dated 18.01.2016 ordered for release of vehicle in favour of the petitioner on condition that, the petitioner shall pay a sum of Rs.2,25,000/- towards fine, which cannot be said to be erroneous and rightly appreciating the aforesaid facts, the lower appellate court had rejected the plea of the petitioner, which cannot be said to be perverse, arbitrary or illegal and, therefore, the said order does not deserve any interference of this Court.

8. For the reasons aforesaid, this Criminal Revision Case stands dismissed. Consequently, the connected miscellaneous petition is closed.

02.08.2024

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No

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M.DHANDAPANI, J.

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