CGHC010005022017 2026:CGHC:43685

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Criminal Revision No.485 of 2017

Reserved on 17.09.2026

Pronounced on 08.10.2026

Pawan Kumar Modi, S/o Ranglal Modi, Aged About 58 Years, Proprietor M/s Mahamaya Rice Mill, Lachhanpur Chowk Champa, Police Station And Tahsil Champa, Civil And Revenue District Janjgir Champa, Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through Collector, District Janjgir Champa, Chhattisgarh. **... Non-Applicant**

For Applicant	:	Shri Ratnesh Kumar Agrawal, Advocate.
For Non-Applicant/State	:	Ms. Anusha Naik, Dy. G.A.

Hon'ble Shri Sudhir Kumar, Judge
CAV Order

1. This Criminal Revision has been preferred against the order dated 26.04.2017 passed by the 2nd Additional Sessions

SISTLA NEELIMA VISHNU PRIYA

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Judge, Janjgir, District Janjgir-Champa in Criminal Appeal No.55/2016, whereby the Appeal preferred by the Applicant against the order dated 28.03.2016 passed by the Collector, Tahsil Janjgir, District Janjgir-Champa in Food Case No.16/2009, ordering confiscation of 64.22 quintals of paddy, 56.77 quintals of rice and 32.92 quintals of *kanki* in favour of the State under Section 3/7 of the Essential Commodities Act, has been dismissed.

2. As per the prosecution case, on 09.02.2009, the Food Inspector, Janjgir, along with the inspection team, inspected M/s Mahamaya Rice Mill, Village Lachhanpur (Champa), District Janjgir-Champa, which was being operated by the Applicant. At the time of inspection, the Applicant was not present and his son Avinash Modi was found operating the mill. Upon physical verification of the stock maintained in the rice mill with reference to the stock register, excess stock of 64.22 quintals of paddy, 56.77 quintals of rice and 32.92 quintals of *kanki* was found. As no supporting documents or satisfactory explanation regarding the excess stock was furnished at the time of inspection, the said stock was seized and entrusted to Avinash Modi for safe custody. The Food Inspector thereafter submitted his report alleging violation of the provisions of the Chhattisgarh Rice Procurement (Levy)

Order, 2007, punishable under Section 3/7 of the Essential Commodities Act, pursuant to which a show-cause notice was issued to the Applicant. In his reply, the Applicant denied the allegations and stated that the stock in question had been purchased from M/s Hasdev Rice Mill, Pendri, Janjgir. Upon consideration of the material available on record and the Applicant's reply, the Collector, District Janjgir-Champa, vide order dated 28.03.2016 passed in Food Case No.16/2009, ordered confiscation of 64.22 quintals of paddy, 56.77 quintals of rice and 32.92 quintals of *kanki* in favour of the State, against which the Applicant preferred an Appeal, which came to be dismissed vide impugned judgment dated 26.04.2017. Hence this Revision.

3. Learned Counsel for the Applicant submits that the prosecution has failed to duly prove the *panchnama* and seizure memo. It is contended that the bills produced by the Applicant bearing Nos.48 and 49 have not been taken into consideration and that the Food Inspector failed to verify the entire stock register, therefore, it is prayed that the impugned orders be set aside and the Revision may be allowed.

4. Per contra, learned Counsel for the State submits that the orders passed by the Courts below are just and proper, based on proper appreciation of the material available on record and

do not warrant any interference by this Court.

5. I have heard learned Counsel for the parties, perused the record as also the impugned orders.

6. During a surprise inspection of the concerned rice mill, the Food Inspector found 64 quintals of paddy, 56 quintals of rice and 32 kg. of broken rice (*kanki*). In respect of the aforesaid stock, no document whatsoever was produced by Avinash Modi, son of the Applicant, to establish lawful ownership or possession thereof. The Food Inspector thereafter submitted an inspection report before the Collector, Janjgir-Champa. Upon consideration of the said report, the Collector, vide order dated 28.03.2016, directed confiscation of the aforesaid stock. On comparing the stock register with the actual stock available at the premises, discrepancy was found. The proceedings were conducted in the presence of Avinash Modi, son of the Applicant. The Applicant was also served with notice in that regard, to which he submitted his reply stating that the aforesaid paddy, rice and broken rice (*kanki*) had been received from another rice mill and documents pertaining to the said mill were produced in support thereof. However, the Collector did not find the documents pertaining to the other mill to be valid and sufficient to account for the paddy, rice and broken rice (*kanki*) seized from the

Applicant's mill. It is also evident that in respect of the stock seized from the concerned mill, the relevant documents pertaining to that very mill ought to have been produced, however, no such documents were produced by the Applicant.

7. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the orders passed by the Collector as well as the 1st Appellate Court do not suffer from any illegality, infirmity or error of law warranting interference by this Court in exercise of its revisional jurisdiction.

8. Accordingly, the Revision *sans* merit and is hereby **dismissed**.

Sd/-

(Sudhir Kumar)
Judge

Priya