APHC010022892025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3521]**
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 64/2025

Between:

1. MALEPATI VENKATA SURENDRA KUMAR, S/O. SUBBA RAO, HINDU, AGED ABOUT 50 YEARS, R/O MAIN BAZAR, BADVEL TOWN AND MANDAL KADAPA DISTRICT.
2. P. RAJASEKHAR REDDY, S/O. P CHINNAPU REDDY, AGED ABOUT 48 YEARS, R/O. KOTIREDDY NAGAR, BADVEL TOWN AND MANDAL, KADAPA DISTRICT, OWNER OF THE LORRY BEARING NO.AP-39-TB-6777.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF AT AMARAVATHI, GUNTUR DISTRICT.
2. THE TAHSILDAR, BADVEL MANDAL, YSR DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. POPURI LAKSHMI PRIYANVITA

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following:
ORDER:

The Criminal Revision Case is filed under Sections 438 read with 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), challenging the judgment dated 18.10.2024 passed in Crl.A.No.87 of 2023 by the learned Principal Sessions Judge, Kadapa, whereby the order dated 31.05.2023 passed by the learned Joint Collector, YSR District, Kadapa, in Ref.No.1(2)/59/2023, was confirmed.

2. Heard the learned Counsel for the Petitioners and the learned Assistant Public Prosecutor.

3. The learned Joint Collector, Kadapa, framed two charges against the Petitioners alleging that they had violated Clause 19(f) of the A.P. State Targeted Public Distribution System Control Order, 2018, by purchasing PDS rice supplied/intended to be supplied through the PDS from cardholders and diverting the stocks to the black market. Pursuant to the report submitted by the Tahsildar, Badvel Mandal, under Section 6-A of the Essential Commodities Act, 1955 (for brevity, 'the EC Act'), the learned Joint Collector issued a notice to the Petitioners as contemplated under Section 6-B of 'the EC Act'. The Petitioners submitted their explanations. Not being convinced with the explanations offered by the Petitioners, the learned Joint Collector ordered confiscation of the entire seized stock. The said order was challenged before the learned Principal Sessions Judge, who dismissed the appeal.

4. The impugned order passed by the learned Joint Collector does not reflect the submissions made by the Petitioners in the course of the inquiry. The learned Counsel for the Petitioners submits that the seized rice did not belong to the PDS and that it was purchased from farmers. In support of the said contention, an invoice was also filed, but the same was not considered by the authorities. Be that as it may, the impugned order does not disclose any previous similar adverse antecedents reported against the Petitioners. The Petitioners are engaged in the business of procuring rice. The Tahsildar, Badvel, seized a lorry containing rice packed in plastic bags. It is alleged that the rice was being diverted to the black market, thereby depriving the beneficiaries under the Public Distribution System of their entitlement. However, except for filing a tax invoice, there is no other proof to establish that the rice was procured by the Petitioners from farmers. No affidavits from third parties or appropriate receipts issued by the farmers have been filed in support of their claim. Be that as it may, confiscation of 100% of the seized stock appears to be disproportionate to the gravity of the charges. Confiscation of 50% of the value of the seized stock would have met the ends of justice.

5. Considering the facts and circumstances of the case, the order directing confiscation of the seized stock to the Government is confirmed; however, the extent of confiscation is reduced from 100% to 50%.

6. Accordingly, the Criminal Revision Case is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

Dr.Y. LAKSHMANA RAO, J.

Date: 28.10.2026
KMS

115

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 64/2025

Date: 28.10.2026

KMS