APHC010227772019

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

WEDNESDAY, THE 11th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 829/2019

Between:

1. CHAKKA ADI SURYA PRAKASH RAO, S/O. VENKATESWARLU, AGED ABOUT 56 YEARS, OCC PROPRIETOR OF SRI LAKSHMI RICE MILL, R/O EPURUPALEM VILLAGE, CHIRALA MANDAL, PRAKASAM DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH.
2. THE COLLECTOR CS, PRAKASAM DISTRICT, ONGOLE
3. THE ENFORCEMENT DEPUTY THASILDHAR, PARCHUR, PRAKASAM DISTRICT

...RESPONDENT(S):

Counsel for the Petitioner:

1. KOTI REDDY IDAMAKANTI

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR (AP)

The Court made the following:
ORDER:

The Criminal Revision Case is filed under Sections 397 and 401 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.'), challenging the

order dated 23.06.2018 passed by the 2nd Respondent in Proceedings No. RC.CS1/6A/139/2017, whereby 20% of the seized stock or its value was ordered to be confiscated in favour of the Government, and the consequential judgment dated 09.05.2019 passed by the learned District and Sessions Judge, Prakasam District, Ongole, in Cri.A.No.170 of 2018, whereby the confiscation was reduced from 20% to 10% of the seized stock or its value. In effect, the Petitioner seeks to set aside the confiscation order in its entirety.

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

3. The learned Collector (CS), Prakasam District, Ongole, vide proceedings in Br. No. Rc.CS1/6A/139/2017, dated 23.06.2018, ordered confiscation of 20% of the seized commodities. Aggrieved by the said order, the Petitioner preferred an appeal before the learned Sessions Judge in Cri.A. No. 170 of 2018. The learned Sessions Judge, vide judgment dated 09.05.2019, modified the order of the learned Collector by reducing the percentage of confiscation from 20% to 10%. The learned Collector (CS) framed the following two charges against the Petitioner::

> *"1.Sri Chekka Audi Suryaprakasa Rao S/o Venkateswarlu, Prop: Sri Lakshmi Rice Mill, Epurupalem village, Chirala Mandal has reportedly doing business with PDS Rice and stored Q.54.50 of PDS Rice in the Rice Mill premises by procuring the same from the card holders of surrounding villages, recycling the same and doing business, noticed during the inspection on 06.09.2017 and thereby contravened Clause 17 of A.P.State PDS Control Order, 2008.*
> *2. Sri Chekka Audi Suryaprakasa Rao S/o Venkateswarlu, Prop: Sri Lakshmi Rice Mill, Epurupalem village, Chirala Mandal has reportedly failed to maintain the B-Register of Sri Lakshmi Rice Mill, noticed during the inspection on 06.09.2017 and thereby contravened the provisions of law under Clause 16 of AP Rice Procurement (Levy) Order, 1984."*

4. On a perusal of Charge No. 1, it is alleged that the Petitioner, being the proprietor of Lakshmi Rice Mill, situated at Epurupalem Village, Chirala Mandal, had indulged in the activity of procuring rice from the ration cardholders of the surrounding villages, recycling the same and carrying on business in such rice. However, as per Clause 17 of the Andhra Pradesh State Public Distribution System (Control) Order, 2008, a violation would arise only if the PDS rice is diverted or intermixed before it reaches the intended beneficiaries. Once the PDS rice reaches the intended beneficiaries, the subsequent procurement of such rice cannot, by itself, constitute a violation of Clause 17 of the said Control Order. Therefore, there was no justification on the part of the learned Collector (CS) in holding that Charge No. 1 was proved. Hence, the findings recorded by the learned Collector (CS), as well as the judgment passed by the learned Sessions Judge, are liable to be interfered with and set aside.

5. With regard to the allegation in Charge No. 2 that the Petitioner failed to maintain the B-Register, thereby contravening Clause 16 of the Andhra Pradesh Rice Control Procurement (Levy) Order, 1984, it is the specific contention of the Petitioner that the Government had exempted paddy and rice from the purview of the Levy Order. Consequently, the question of contravention of Clause 16 of the said Levy Order does not arise.

6. It is further submitted that the Petitioner specifically contended before the learned Collector (CS) that there was no substantive or positive evidence to establish that the seized rice belonged to the Public Distribution System

(PDS). The enforcement officials of Parchur had not obtained or produced any certificate to establish that the seized rice was PDS rice. Further, there was no such reference in the special report submitted by the enforcement officials under Section 6-A of the Essential Commodities Act, 1955, before the learned Collector (CS). The enforcement officials merely made a bald allegation that the seized rice belonged to the PDS, without producing any documentary evidence in support of the same. There was also no reference in the special report to the effect that the seized rice bags bore any PDS markings or identification. No certificates or other supporting documents were produced to substantiate the said allegation.

7. In the absence of cogent and convincing evidence establishing that the seized rice belonged to the PDS, the learned Collector (CS) and the learned Sessions Judge committed error in concluding that the seized rice was PDS rice. The findings recorded by both the authorities are, therefore, contrary to the evidence on record.

8. It is further submitted that this was the first occasion on which the Petitioner, who is the proprietor of a rice mill, was alleged to have committed such contraventions. The charges levelled against the Petitioner were wholly unsupported by legally admissible and cogent evidence.

9. Furthermore, pursuant to G.O.Ms. No. 22, dated 03.01.2015, several amendments and modifications were introduced, whereby paddy and rice were expressly exempted from the purview of the Levy Order with effect from 01.12.2014. Though the said contention was specifically and vehemently

raised by the Petitioner before the learned Collector (CS), the same was not properly considered or appreciated in its correct perspective.

10. In view of the facts and circumstances stated above, the findings recorded by the learned Collector (CS) and affirmed by the learned Sessions Judge suffer from errors of fact and law and are unsustainable. Therefore, the impugned order passed by the learned Collector (CS), as well as the judgment passed by the learned Sessions Judge, are liable to be set aside.

11. Accordingly, the Criminal Revision Case is allowed. No order as to costs.

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

_____

Dr.Y. LAKSHMANA RAO, J.

Date: 11.11.2026
KMS

247

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL REVISION CASE NO: 829/2019

Date: 11.11.2026

KMS