APHC010121842010

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3560]**
(Special Original Jurisdiction)

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

CRIMINAL REVISION CASE NO: 364/2010

Between:

1. BOMMINENI PRABHAKARARAO & 7 OTHERS, S/O VENKATAIAH, AGRICULTURE R/O JUVVIGUNTA, MARRIPUDI (M), PRAKASAM DIST.
2. YARRA KRISHNA,, S/O VENKATAPA NAIDU, AGRICULTURE R/O JUVVIGUNTA, MARRIPUDI (M), PRAKASAM DIST.
3. GANGAVARAPU VENKATA RAO,, S/O NARASIMHAM, AGRICULTURE R/O JUVVIGUNTA, MARRIPUDI (M), PRAKASAM DIST.
4. BOMMINENI PITCHAIAH,, S/O VENKATAIAH, AGRICULTURE R/O JUVVIGUNTA, MARRIPUDI (M), PRAKASAM DIST.
5. DEVARAPALLI VENKATESWARLU,, S/O NARASA REDDY, AGRICULTURE R/O JUVVIGUNTA, MARRIPUDI (M), PRAKASAM DIST.
6. BOLINENI LAKSHMI NARAYANA,, S/O CHINNA PAPAIAH, AGRICULTURE R/O JUVVIGUNTA, MARRIPUDI (M), PRAKASAM DIST.
7. GUTLAPALLI VENKATESWARA RAO @ VENKATESHWARLU,, S/O V.MOHAN RAO, AGRICULTURE R/O JUVVIGUNTA, MARRIPUDI (M), PRAKASAM DIST.
8. BOMMINENI KRISHNA RAO,, S/O VENKATAIAH, AGRICULTURE R/O JUVVIGUNTA, MARRIPUDI (M), PRAKASAM DIST.

...PETITIONER(S)

AND

1. THE STATE OF A P THRU DIST COLLECTOR ANOTHER, THROUGH THE DISTRICT COLLECTOR, PRAKASAM DISTRICT,

ONGOLE. REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

2. THE ASST SUPPLY OFFICER, KANDUKURU. REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF ANDHRA PRADESH, HYDERABAD.

...RESPONDENT(S):

Revision filed under Section 397/401 of CrPC praying that in the circumstances stated in the affidavit filed in support of the Criminal Revision Case, the High Court may be pleased to allow the Crl.R.C., by setting-aside the Order dated 18.11.09 passed by the 1st respondent and the consequential Judgment dated 10.12.09 made in Crl.A.No.187/2009 passed by the Dist. & Sessions Judge, Prakasam Dist., at Ongole to the extent of the Order of confiscation 20% of the seized stocks.

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the further proceedings of confiscation of 20% of the seized stocks made in Order dated 18.11.09 passed by the 1st respondent and the consequential Judgment dated 10.12.09 made in Crl.A.No.187/2009 passed by the Dist. & Sessions Judge, Prakasam Dist., at Ongole.

Counsel for the Petitioner(S):

1. KOTI REDDY IDAMAKANTI

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR

The Court made the following order:

1. Instant criminal revision case has been preferred against judgment, dated 10.12.2009, passed in Criminal Appeal No.187 of 2009 on the file of learned Sessions Judge, Prakasam Division, Ongole, wherein and whereunder learned appellate court has dismissed the appeal by confirming the order in proceeding in Rc.CS1/6A/82/2009, dt.18.11.2009 passed by learned District Collector, Prakasam District, Ongole.

2. **FACTS OF PROSECUTION CASE, IN BRIEF, ARE AS FOLLOWS:**

2.1 The Assistant Supply Officer, Kandukur, on the basis of credible information that a huge stock of Red gram pulses was illegally stored in the houses of Gutlapalli Mohanarao, Tangella Road and Gundala Govindamma, near Ambedkar Statue of Ravellavaripalem, Juvvigunta Village of Marripudi Mandal by one Sri Vandavasi Sreenu, Kirana Merchant & Commission Agent, he along with the Food Inspectors of Kandukur and Podili proceeded to the said village on 26.07.2009 and surprised both the houses and at that time, Sri Vandavasi Sreenu is not available and contacted him over phone and instructed him to attend for inspection, but he has not turned up even up to 6.00 PM. He also reported that the house owner of Sri Gutlapalli Mohana Rao is also not available in the village at that time. The other house owner, Smt. Gundala Govindamma is available and on enquiry, she stated that the said house was given to one, Sri Vandavasi Srinu of their village for rent and he stored the red gram pulses in that house.

2.2 In the meantime, eight ryots of said village have came forward and stated that they stored their agricultural produce of red gram derived from their lands in the said two houses. They have given the particulars of agricultural produce which contained 564 bags. After opening doors of the said two houses in the presence of villagers and panchayadars, it appears to Assistant Supply Officer that red gram pulses bags were stocked irregularly. The ryots have not produced any evidence that

they raised red gram crop and stored the same in that two houses. On query, they assured to produce their connected records later.

2.3 On the next day i.e., on 27.07.2009, the RDO of Kandukur, DSO of Ongole, ASO of Ongole and EDTs of Darsi, Podili, Food Inspectors of Kandukur and Podili and himself proceeded to Juvvigunta Village of Marripudi Mandal and enquired the eight ryots those who have stated on 26.7.2009 that they stored their agricultural produce of red gram pulses and they have not filed any documentary evidence.

2.4 On verification it found that red gram pulses stock in both houses found 534 bags were available, whereas eight ryots have claimed that they stored 564 bags and there is a variation of 30 bags. Thus, Assistant Supply Officer has opined that one Sri Vandavasi Sreenu of Juvvigunta village, Marripudi Mandal is doing clandestine business with pulses without license as required under AP SCD (LS & R) Order, 2008 by storing huge quantity of red gram pulses for speculative trade resulting hike of prices in open market, thereby contravened the provisions of said order.

2.5 As such, the Assistant Supply Officer, Kandukur, seized the available 534 bags of red gram pulses net weight of Q.278.95, under the cover of mediatornama and handover the same to one Sri Padarthi Venkata Subba Rao, for interim custody and issued a notice upon respondents under Section 6-B of Essential Commodities Act to show cause within

seven days as to why the seized stock should not be confiscated in favour of the Government.

2.6 In response to the show cause notice, the petitioners have submitted their detailed explanation. After receiving the said reply to the notice and hearing the parties, the District Collector, Ongole has passed the order dated 18.11.2009, which reads as under:

> "However, taking into consideration of the facts and circumstances and also the Pattadar Pass Books and Adangals produced by the Respondents which was issued by the Tahsildar and by giving a benefit of doubt and also to meet both ends of justice, I order for confiscation of 20% (Twenty Percent) of seized stocks or its value (i.e., Q.267.00 of Red Gram claimed by the Respondents) in favour of Government and the remaining shall be returned to the respondents. Accordingly, the 6A case disposed off."

2.7 The order of confiscation was under challenge before learned District Judge, Prakasam District, vide Crl.A. No.187 of 2009. After thorough scanning of the evidence, learned appellate court is of the view that there is no merit to entertain the appeal and the same was dismissed by upholding the order dated 18.11.2009 of the District Collector. Hence, instant criminal revision case.

3. **SUBMISSIONS OF LEARNED COUNSEL FOR THE PETITIONERS:**

3.1 Learned counsel for the petitioners submits that the order of confiscation passed by the District Collector is illegal and improper. The petitioners are farmers who stored their agricultural produce, i.e., red gram pulses, in two houses situated in their village. They have properly

explained, by filing their reply to the show cause notice, that they did not have sufficient space to store their agricultural produce. Thus, they stored the same in two houses. It was also disclosed by the petitioners that they had taken the houses on rent. It is submitted that learned appellate court has not properly considered the material on record, but has abruptly confirmed the order of the District Collector. The order directing confiscation of 20% of the seized stock or its equivalent value is improper and illegal.

4. **SUBMISSIONS OF LEARNED ASSISTANT PUBLIC PROSECUTOR:**

4.1 Learned Assistant Public Prosecutor submits that the entire material on record was examined by learned Sessions Judge while passing the impugned order. There is no material to establish that the petitioners had stored the red gram pulses in the two houses. Though they stated that the two premises were taken on lease, no documentary evidence proving such lease was produced at the time of hearing. Thus, the order passed by the District Collector is justified.

5. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor appearing for the State. Perused the impugned orders passed by the District Collector and the learned Sessions Judge.

6. **OBSERVATIONS OF THIS COURT:**

6.1 It appears that on 26.07.2009, the Assistant Supply Officer, upon receiving credible information, conducted a surprise inspection of two houses situated in Juvvigunta Village, Marripudi Mandal. It is the

credible information that one Sri Vandavasi Sreenu, a Kirana Merchant and Commission Agent, had illegally stored huge stocks of red gram pulses for the purpose of carrying on clandestine business.

6.2 It appears that, on 27.07.2009, 534 bags of red gram pulses, having a net weight of 278.95 quintals, were seized. After seizure, a notice under Section 6-B of the Essential Commodities Act, 1955, was issued to the eight farmers and Vandavasi Sreenu. The said Vandavasi Sreenu neither appeared nor filed any reply to the show cause notice.

6.3 On the other hand, the present petitioners, being farmers, filed their reply to the show cause notice. It is the specific contention of the petitioners that they are ryots and that they had cultivated and stored seized red gram in the two premises situated in the said village as there are no sufficient places in their house to store.

6.4 In this case, it is the specific allegation that Sri Vandavasi Sreenu of Juvvigunta Village was carrying on clandestine business without possessing the requisite licence under the A.P. SCD (LS & R) Order, 2008. The said Vandavasi Sreenu has neither replied to the show cause notice nor participated in the hearing. The Assistant Supply Officer and the authorities concerned have not placed any documentary evidence on record to establish that Vandavasi Sreenu was carrying on such business.

6.5 Moreover, they have not collected any documentary or oral evidence to establish that such huge stock of red gram pulses were stored in the

two premises of Juvvigunta Village at the instance of Sri Vandavasi Sreenu. Mere storage of red gram pulses in two houses does not, by itself, establish that the same were stored illegally for the purpose of carrying on clandestine business in pulses. Moreover, the present petitioners, who are farmers, have specifically stated that the seized red gram pulses constitute their agricultural produce. The District Collector observed that respondents No.2, 4, 5, 6, 7 and 9 had obtained crop loans from the State Bank of India, Juvvigunta branch, for raising tobacco crop only. On the basis of such observation, the District Collector appears to have proceeded on the assumption that, since the farmers had obtained loans for raising tobacco crop, they could not have cultivated red gram crop.

6.6 On the other hand, the present petitioners have specifically furnished particulars regarding the extent of their lands, the crops cultivated by them and the yield per acre in quintals in respect of the red gram crop, it is not justifiable for the District Collector to hold that a farmer who has obtained a bank loan for raising tobacco crop cannot cultivate red gram in separate agricultural land.

6.7 Moreover, there is no evidence to disbelieve the extent of agricultural land possessed by the present petitioners. It has also not been established before the District Collector that the petitioners had not cultivated red gram in their respective lands.

6.8 Considering the above facts and circumstances, it appears that the order passed by the District Collector is not wholly justified. However, the Assistant Supply Officer, Kandukur, found huge stock of red gram pulses stored in two houses. The petitioners did not produce the relevant documentary evidence, such as Pattadar Pass Books, Adangal copies, etc., before the inspecting officials to establish that they had raised the red gram crop.

6.9 In view of the above circumstances, I think it is necessary to pass appropriate order by setting the order of learned Sessions Judge, Ongole. It appears that the order directing confiscation of 20% of the seized stock is exorbitant and improper in the facts and circumstances of the present case. However, having regard to the huge quantity of red gram pulses recovered and the discrepancy between the quantity claimed by the petitioners and the quantity actually seized, this Court is of the view that confiscation of 10% of the seized stock or its equivalent value, instead of 20%, would be justified.

6.10 In view of the foregoing observations, the order passed by the District Collector, as confirmed by learned Sessions Judge, Ongole, is hereby modified.

7. Accordingly, instant criminal revision case is disposed of by modifying the order of confiscation from 20% to 10% of the seized stock or its equivalent value in favour of the Government. The remaining stock or

its equivalent value shall be returned to the petitioners herein according to the provisions of law.

8. The authorities concerned are directed to comply with this order by concluding the above exercise within a period of eight weeks from the date of receipt of a copy of this order.

9. Pending miscellaneous petitions, if any, are also disposed of.

JUSTICE SUBHENDU SAMANTA

Dt.09.10.2026
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