

(1972) 01 MAD CK 0006
In the Madras High Court
Case No : Criminal R.C. No. 1249 of 1970
In Re: Gajendran

Date of Decision : 19-01-1972

Acts Referred:

Essential Commodities Act, 1955 — Section 7

Citation : (1972) LW(Cri) 143

Hon'ble Judges : Somasundaram, J

Bench : Single Bench

Advocate : R. Natarajan, for Mr. K. Santhanam, for the Appellant; K. Alagumalai, for Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

Somasundaram, J.—60 bags of rice were transported by the Petitioner in lorry MDH 2427 from Red Hills, a notified area, to

Arambakkam, a village in another notified area, on the morning of 27th September 1968. P.W. 1, the Special Tahsildar, Civil Supplies, stopped

this lorry at Janapam Chatram, a village within Arambakkam limits. The Petitioner did not have any valid permit for 31 bags. He was prosecuted

under S. 3 (1) of the Madras Paddy and Movement Control Order, 1968, read with Section 7 of the Essential Commodities Act. When

questioned in Court, the Petitioner said that when he was keeping the lorry at a petrol bunk at Janapan Chatram the Taluk Supply Officer came

and took him and the lorry to the Police Station. The District Magistrate, Chingleput, who tried him, convicted and sentenced him, for this transport

without permit, to pay a fine of Rs. 100. He further ordered the confiscation of the 31 bags which were not covered by any permit. The Petitioner

contends that he has been wrongly convicted.

2. The Petitioner admits that this lorry was intercepted and checked at Janapan

Chatram which is within the limits of Arambakkam, a notified area.

The prosecution case is that these bags of rice were transported from Red Hills, another notified area. On behalf of the Petitioner, it is contended

that as it is there is no evidence on the side of the prosecution to show that these bags were in fact transported from Red Hills, Ex. P. 2, the trip

sheet, gives the origin of the trip as Red Hills. Further, the Petitioner has admitted before P. W. 2, the Revenue Inspector, that the lorry came from

Red Hills. He was specifically questioned by the Court, by stating that these bags were transported from Red Hills. This he did not deny. He has

given an evasive answer by saying that he was sleeping in the lorry at Janapan Chatram and that therefore he was taken to the police station. Thus,

from the materials on record, the Courts below have correctly held that these bags were transported from one notified area to another.

3. The Charge-sheet recited that this transport occurred on 27th September 1968 at 1-30 a.m. In Ex. P. 3, the proceedings of the Collector

according sanction to the prosecution, the date is given as 28th September 1968. Obviously, this is a mistake. In view of this mistake, the sanction

does not become invalid. Where, throughout, the question is only of a single offence, which is otherwise properly described and specified, the

sanction is not bad merely because mistake has been committed, in specifying the date of offence by one day. Vide Girwardhari Lal Vs. Emperor,

, Emperor Vs. Jehangir Ardeshir Cama, , and Krishna Kumar v. The State ILR (1962) Raj 847.

4. The conviction and sentence are confirmed So also the confiscation. The revision fails and the same is dismissed.