

(2002) 03 JH CK 0023

In the Jharkhand High Court

Case No : Criminal M.P. No. 149 of 2002

Jagdamba Coke Manufacturing Enterprises and Another

APPELLANT

Vs

State of Jharkhand and Another

RESPONDENT

Date of Decision : 05-03-2002

Acts Referred:

Standards of Weights and Measures (Enforcement) Act, 1985 — Section 47

Citation : (2003) 96 FLR 771

Hon'ble Judges : Lakshman Uraon, J

Bench : Single Bench

Advocate : R.S. Majumdar, for the Appellant; Assistant Public Prosecutor for State, for the Respondent

Final Decision : Allowed

Judgement

Lakshman Uraon, J.—Heard the learned Counsel for the parties.

2. Learned Counsel for the petitioners submitted that the petitioner was not given notice for verification of Weights and Measures. It was also submitted that even if the allegation made in the prosecution report are taken to be correct and also it is found that the date for reverification expired on 31.3.2000* and just one month before the date of inspection as last verification was done on 18.2.1999*.

3. Learned Counsel for the petitioner referred Section 47 of the Weights and Measures (Enforcement) Act. which provides penalty upto fine of Rs. 500/- and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

4. As the petitioners were not given proper notice for verification of weights and measures and they have been prosecuted u/s 47 of the said Act, this application is allowed a id order taking cognizance dated 30.1.2001 passed by the Chief Judicial Magistrate. Dhanbad in connection with W.M. Case No. 143 of 2001 (T.R. No. 149/01) is quashed.