

(2020) 01 RAJ CK 0001

In the Rajasthan High Court

Case No : Criminal Leave To Appeal No. 215 Of 2018

Secretary, Krishi Upaj Mandi Samiti Hanumangarh Junction

APPELLANT

Vs

Ashvani Kumar

RESPONDENT

Date of Decision : 15-01-2020

Acts Referred:

Agriculture Produce Market Act, 1961 — Section 28(2)
Code Of Criminal Procedure, 1973 — Section 313

Citation : (2020) 01 RAJ CK 0001

Hon'ble Judges : Vijay Bishnoi, J

Bench : Single Bench

Advocate : L.K. Purohit, S.K. Bhati

Final Decision : Dismissed

Judgement

The defects pointed out by the Registry are overruled.

This criminal leave to appeal has been filed on behalf of appellant - Secretary, Krishi Upaj Mandi Samiti Hanumangarh Junction, Hanumangarh being aggrieved with the judgment dated 22.01.2018 passed by the Additional Judicial Magistrate, Hanumangarh (hereinafter to be referred as 'the trial court') in Criminal Case No.428/2007 (CIS No.3665/14), whereby the trial court acquitted respondent - Ashvani Kumar for the offences punishable under Section 28(2) of the Agriculture Produce Market Act, 1961 (hereinafter to be referred as 'the Act of 1961').

Brief facts of the case are that a complaint was filed on behalf of appellant against respondent under Section 28(2) of the Act of 1961 alleging that the respondent sold agriculture grains Millet in the Krishi Upaj Mandi, Hanumangarh in his shop, which he purchased from the State of Haryana but has not paid the fees of the Mandi.

To prove the charge against the respondent, the appellant produced as many as four witnesses and also produced several documents. After completion of the

prosecution evidence, the statements of the respondents were recorded under Section 313 Cr.P.C., wherein he denied the allegation.

The trial court, after taking into consideration the oral and documentary evidence produced on behalf of the prosecution gave a finding that the prosecution has failed to prove that the agriculture grain Millet was brought from Haryana and sold in Rajasthan. The trial court has recorded the finding that PW-2 Subhash Saharan in his evidence has specifically admitted that the agriculture grain produced was not even brought in Rajasthan and that was sold in Haryana only. The trial court has also opined that the documentary evidence produced by the prosecution were not original and not certified copies of the original and they were photocopies. It is also observed that the some of the documents were even not legible and contents of those documents were not proved by producing the persons, who had issued the same. After observing this, the trial court has acquitted the respondent from the charge punishable under Section 28(2) of the Act of 1961.

Having gone through the judgment impugned and having heard learned counsel for the appellant, I don't find any illegality in the impugned judgment passed by the trial court because when the prosecution witnesses themselves have admitted that no agriculture grain was brought from Haryana to Rajasthan for selling it in the Krishi Upaj Mandi, Hanumangarh, the trial court has not committed any illegality in acquitting the respondent.

In such circumstances, I don't find any case for grant this criminal leave to appeal to challenge the impugned judgment passed by the trial court.

Hence, this criminal leave to appeal is dismissed.