
(2011) 05 PAT CK 0032

In the Patna High Court

Case No : Criminal Appeal (SJ) No. 251 of 1994

Sheo Chandra Mallah @ Sheo Charan Mallah and Pulkit Mallah

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 05-05-2011

Acts Referred:

Essential Commodities Act, 1955 — Section 7

Citation : (2011) 59 BLJR 1935

Hon'ble Judges : Anjana Prakash, J

Bench : Single Bench

Advocate : Md. Fazal Rahman and Ansur Rahman, for the Appellant; Aslam Ansari, APP, for the Respondent

Final Decision : Allowed

Judgement

Anjana Prakash, J.—The Appellants have been convicted u/s 7 of the Essential Commodities Act and sentenced to RI for one year by the Additional District & Sessions Judge-cum-Special Judge (E.C. Act), Saharsa in Special Case No. 4 of 1983 by a judgment dated 26.07.1994.

2. The case of the prosecution is that on 07.11.1982 the Block Agriculture Officer raided the fertilizer shop of the Appellant No. 1 and found irregularity in maintaining the books and they also found fertilizer which was sold from BISCOUMAN and it was suspected that it was being stored for black-marketing.

3. The prosecution in all examined six witnesses out of whom P.W. 1, P.W. 2 and P.W. 3 have been declared hostile. P.W. 4 is tendered whereas P.W. 5 is the informant and P.W. 6 is the part Investigating Officer.

4. Most importantly the seizure witnesses and on the fact of inspection have not supported the case of the prosecution and, therefore, it is difficult to sustain the conviction of the Appellants.

5. In the result, the appeal is allowed and the judgment dated 26.07.1994

passed by the Additional District and Sessions Judge cum-Special Judge (E.C. Act), Saharsa in Special Case No. 4 of 1983 is set aside. The Appellants are discharged of the liability of their bail bonds.