
(2000) 01 PAT CK 0152
In the Patna High Court
Case No : Criminal Revision No. 437 of 1999

State	Vs	APPELLANT
Santosh Kumar and Another		RESPONDENT

Date of Decision : 11-01-2000

Acts Referred:

Essential Commodities Act, 1955 — Section 7

Citation : (2000) 3 PLJR 714

Hon'ble Judges : S.K. Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.K. Singh, J.—The present revision has been preferred by the State of Bihar against the order dated 19.5.99 passed by the learned Special Judge, E.C. Act, Nalanda at Biharsarif (Sohsarai P.S. Case No. 327 dt. 7.8.98 u/s 7 of the E.C. Act) by which the learned Special Judge has been pleased to discharge the accused persons (opposite parties).

2. Mr. Lala Kailash Bihari Prasad, learned Counsel for the State, has vehemently argued that on bare perusal of the first information report, a case triable u/s 7 of the E.C. Act has been made out and same being economic offence. The learned Judge has erred in not taking cognizance as the case after investigation has been found true against the opposite parties.

3. From the order of the learned Special Judge, I find that the opposite parties who are proprietor and employee of Bishnu Bhandar who were dealing in edible oil had been made accused in Bihar P.S. Case No. 326/98 as well as Bihar P.S. Case No. 327/98. When the place of business Bishnu Bhandar had been visited by the prosecution party, it was found that 570 tin of vegetable oil which were required to be found were not actually available. Subsequent case has been filed after recovery of said vegetable oil from the house of one Biltu Mahto.

4. Contention of the learned Counsel for the opposite parties on the other hand,

is that as it will also transpire from the order of the court below that though the place of business named as Bishnu Bhandar was the earlier place but when the owner of the said premises wanted to demolish the same the opposite parties informed the authority that the place of business was going to be demolished. As such they are shifting materials (edible., oil) to the premises of the aforesaid Biltu Mahto and after the aforesaid information, goods were seized in the premises of Biltu Mahto. The opposite parties have conveyed regarding shifting of edible oil to the premises of Biltu Mahto. As such to my mind, no provision of the Unification order has been contravened by the opposite parties as such the learned Special Judge has rightly dropped the proceeding against the opposite parties.

5. In the result, present application fails and it is accordingly, dismissed.