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Suresh Singanal vs State at the Instance of

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Court : Karnataka Dharwad

Decided On : Feb-06-2024

Judge : N.S.Sanjay Gowda

Appeal No. : WP/100415/2021

Appellant : Suresh Singanal

Respondent : State at the Instance of

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH DATED THIS THE 6TH DAY OF FEBRUARY, 2024 BEFORE THE HON'BLE MR JUSTICE N.S.SANJAY GOWDA WRIT PETITION NO. 100415 OF 2021 (GM-RES) BETWEEN:

1. SURESH SINGANAL, AGE. 46 YEARS.

2. MASKI SIDDANNA S/O. MALLIKARJUN, AGE. 47 YEARS, R/O. GANGAVATI

3. KALLAPPA AGE. 67 YEARS, PETITIONERS (BY SMT. VIDYAVATHI M. KOTTURSHETTAR, ADVOCATE) MANJANNA AND: E Digitally signed by MANJANNA E

1. STATE OF KARNATAKA, Date: 2024.02.08 11:19:19 +0530 BY GANGAVATI RURAL POLICE, DIST. KOPPAL-583227, R/BY STATE S.P.P., HIGH COURT OF KARNATAKA.

2. NANDA PALLED, SHERISTEDAR, FOOD AND CIVIL SUPPLIES, TAHASILDAR OFFICE, GANGAVATI DIST. KOPPAL-583227. RESPONDENTS (BY SRI. P.N. HATTI, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO IT IS HEREBY -2-

PRAYED THAT THE COMPLAINT FILED BY COMPLAINANT I.E., RESPONDENT NO.2 SMT. NANDA PALLED ON 21.01.2021 BY FILING FIR NO.49/2021 BEFORE GANGAVATI SUB DIVISION TOWN POLICE STATION, AGAINST THE PETITIONERS FOR THE OFFENSES PUNISHABLE U/S.3 AND 7 OF ESSENTIAL COMMODITIES ACT AND U./S.420 AND 201 OF I.P.C BY QUASHED BY THIS HONBLE COURT, IN THE INTEREST OF JUSTICE. THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. This petition is filed challenging the registration of criminal proceedings for the offences punishable under Sections 3 and 7 of Essential Commodities Act and under Sections 420 and 201 of I.P.C.

2. The allegation in the complaint is that the petitioners were transporting rice, which was meant for distribution under the Public Distribution System.

3. The Co-ordinate Bench of this Court, in

Criminal Petition No.101739/2021 and connected matters, disposed of on 16.2.2022, has held that unless the goods in question were examined by the Forensic Science Laboratory and certified to be an essential commodity meant for Public Distribution System, the proceedings would be unsustainable. -3-

4. In this case, admittedly, there is no

certification by the Forensic Science Laboratory that the rice that was seized was meant for Public Distribution. In that view of the matter, in the light of the above judgment, the petition is allowed and the proceedings stands quashed. Sd/- JUDGE VB CT:BCK List No.: 1 Sl No.: 132

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