

Durga Prasad Vs. State

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Court : Allahabad

Decided On : May-29-1953

Reported in : AIR1953All774

Judge : R. Singh, J.

Acts : Uttar Pradesh Foodgrains Movement Control Order, 1949

Appeal No. : Criminal Revn. No. 172 of 1952

Appellant : Durga Prasad

Respondent : State

Advocate for Def. : Manik Chand Jain, Adv. for ;Asst. Govt. Adv.

Advocate for Pet/Ap. : R.B. Lal, ;R.B. Chaudhri and ;J.D. Pradhan, Adv.

Disposition : Application allowed

Judgement :

ORDER

R. Singh, J.

1. This is an application for revision on behalf of one Durga Prasad who has been convicted under Section 7, Essential Supplies Act for having contravened the provisions of Clause 3 (vi), U. P. Foodgrains Movement Control Order, 1949.

2. It appears that on 4-3-1951, at about 9-30 p. m. a party of the anti-smuggling squad detected eight cart loads of rice being taken towards Balrampur in village Sisai. One of these carts was owned and driven by the applicant. He was then prosecuted.

3. The learned Magistrate who tried the case came to the conclusion that the applicant was found taking rice to a place within two miles of the river Rapti which was an area to which the prohibition of movement of rice was applicable. The Sessions Judge who heard the appeal also concurred with the Magistrate and held that the area in which the applicant was detected was a prohibited area. The appeal was accordingly dismissed.

4. The only point which has been pressed in arguments on behalf of the applicant is that the words 'in the Gorakhpur and Basti districts' in para. 2, Schedule 6, U. P. Foodgrains Movement Control Order, 1949, governed the words 'the area lying within two miles to the north of the river Rapti' also. A plain reading of the words in question may perhaps lead to the inference that the words 'in the Gorakhpur and Basti districts' were meant to apply to the area two miles to the west of the river Rohin but it has been argued that no part of the river Rohin lies in the Basti district and if this was the intention of the Legislature, it would not have used the words 'in the Gorakhpur and Basti districts' in connection with the area to the west of the river Rohin.

The maps attached to the Gazetteers of the two districts, Basti and Gorakhpur, show that no part of the river Rohin lies in the Basti district and no part of the river Rohin is within two miles of the border of Basti district. If, therefore, the words 'in the Gorakhpur and Basti districts' are interpreted to govern the area to the west of the river Rohin, the words 'Basti district' would become redundant. It is a normal rule of interpretation that the law should be so interpreted as not to make any words redundant if it is possible to interpret it so as to utilize the meaning of all the words used in the legislation. In the present case it appears to me that the words 'in the Gorakhpur and Basti districts' in view of the contention mentioned above would govern the words 'area lying within two miles to the north of the river Rapti' also.

5. It is not disputed that the place where the cart driven by the applicant was detected lay in the Gonda district. That part would not, therefore, be covered by the words of para 2 of Schedule 6, as the corridor referred to in para. 2 of Schedule 6 would be only that part that would lie in the Gorakhpur and Easti districts. In the view that I have taken, the conviction of the applicant cannot stand.

6. No other point has been pressed in arguments.

7. The application for revision is, therefore, allowed and the conviction and sentence of the applicant passed by, the Courts below are set aside. The rice which has been confiscated shall also be released in favour of the applicant and if the rice has been sold and replaced by the value received, the money shall be made over to the applicant. The fine if realised shall be refunded.

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