

Naresh Kumar Vs. State of U.P.

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Court : Allahabad

Decided On : Jul-16-1980

Reported in : 1981CriLJ378

Judge : B.N. Katju, J.

Appellant : Naresh Kumar

Respondent : State of U.P.

Judgement :

ORDER

B.N. Katju, J.

1. The applicant was convicted under Section 3/7 of the Essential Commodities Act and sentenced to imprisonment till the rising of the Court and a fine of Rs. 500 and in default to undergo two months' rigorous imprisonment by the Magistrate First Class, Meerut by his judgment dated 24-1-1975 passed in case No. 132. He filed Criminal Appeal No. 25 of 1975 which was dismissed by the III Additional Sessions Judge, Meerut by his judgment dated 11-11-1978 which runs as follows:

This appeal has been filed against the order dated 24-1-1975 passed by S. N. Gupta, Magistrate 1st Class convicting the appellant under Section 3/7 of the Essential Commodities Act to imprisonment till the rising of the Court and to pay a fine of Rs. 500 or to undergo R. I. for two months.

The prosecution story was that on 16-6-78 at about 7-30 p.m. the accused was found carrying 10 quintals of wheat in two buggies from Tahsil Baghpat towards Meerut without any licence or permit, thereby contravening the provisions of Clause 8 of U.P. Wheat and Wheat Products (Regulation of Trade and Control of Movement) Order, 1973. The accused was sent up to trial. The learned Magistrate found him guilty and sentenced him. Aggrieved by that order, the present appeal has been filed.

The appellant did not turn up on the date of hearing. The appeal was heard i.e. I have heard the learned Counsel for the State and have also gone through the record. The finding appears to be justified on the basis of record. There is nothing which may warrant any interference by this Court. So the findings of fact are confirmed. The appeal has no substance and merits dismissal.

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