

The State Vs. Narain Singh and ors.

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Court : Madhya Pradesh

Decided On : Aug-27-1952

Reported in : 1953CriLJ1381

Judge : Dixit and ;Chaturvedi, JJ.

Appellant : The State

Respondent : Narain Singh and ors.

Judgement :

1. The respondents were convicted by the First Class Magistrate of Kurwai of an offence under Section 7, Essential Supplies (Temporary Powers) Act, 1946 and sentenced to six months' rigorous imprisonment and to pay a fine of Rs. 50/- each. In appeal the learned Sessions Judge of Shajapur set aside the convictions and sentences and acquitted the accused persons. This appeal is directed against the order of acquittal passed by the Sessions Judge, Shajapur.

2. The charge against the respondents was that on the night of 12.12.1950 at about 2 a.m. the respondents exported without a permit wheat and jwar in a cart to Central Provinces and thus contravened Notification No. 14 published in the Gazette dated 16.12.50 and issued by the Director of Food and Supplies under the Food Grains Export Restriction Order, Samvat, 2005, which is an order issued under Section 3, Essential Supplies (Temporary Powers) Act.

This appeal is devoid of any force. From the evidence of the prosecution witnesses themselves, it is clear that the cart in which the respondents were carrying wheat and jwar was stopped by the authorities at a place in the Madhya Bharat itself, and that this place which was at a distance of about two furlongs from the border of Central Provinces, was also on the way to Karnodia Basoda a village situated in the Madhya Bharat itself. It is clear from this evidence that the accused had not exported the food grain to Central Provinces. It cannot also be held from this evidence that the accused were attempting to export without a permit the wheat and jwar which was in their cart. From the mere fact that the place where the cart was stopped was at a distance of two furlongs from the border-of Central Provinces, it cannot be concluded that the respondents were attempting to export the food grains to Central Provinces. As this place was situated on a road to the village Karnodia Basoda in Madhya Bharat, the possibility that the respondents were taking the wheat and jwar to this village cannot be excluded. In the absence of any evidence to show the intention of the accused to export the wheat and jwar to Central Provinces, they cannot be held guilty even of the offence of attempt to export the food grain without a permit. In fairness to the learned Government Advocate, it must be said that he admitted that the evidence on record was not sufficient to press on this Court, that the accused should be convicted of the offence with which they were charged.

3. In the result, this appeal is dismissed.

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