

K. Sairaju Vs. State

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Court : Orissa

Decided On : Jul-01-2005

Reported in : 2005(II)OLR382

Judge : Sujit Barman Roy, C.J.

Acts : [Essential Commodities Act, 1955](#) - Sections 7; Orissa Rice and Paddy Control Order, 1965

Appeal No. : Criminal Appeal No. 135 of 1988

Appellant : K. Sairaju

Respondent : State

Advocate for Def. : Government Adv.

Advocate for Pet/Ap. : Manoj Mishra and ;Dasarathi Pattnaik, Adv.

Judgement :

Sujit Barman Roy, C.J.

1. This appeal is directed against the judgment dated 23.5.1988 passed by the Special Judge, Koraput, Jeypore in connection with T.R.Case No. 50 of 1986 convicting the appellant under Section 7(i) of the [Essential Commodities Act, 1955](#) and sentencing him to undergo R.I. for three months and to pay a fine of Rs. 1000/- in default to undergo R.I. for twenty days.

2. I have perused the impugned judgment. The appellant was prosecuted as two quintals and sixty six kilograms of rice were recovered from his possession in violation of Clause 3 of the Orissa Rice and Paddy Control Order, 1965.

3. Learned counsel for the appellant has taken me through the impugned judgment as well as the evidence on record. On perusal of the same, I am constrained to hold that the conviction of the appellant was justified and no interference therewith is called for. However, since the impugned judgment was passed and the appellant preferred this appeal, about seventeen years time has elapsed. In my view, it will be a travesty of justice to maintain the sentence of imprisonment in full. I, therefore alter the sentence of imprisonment till the rising of the Court and fine of Rs. 5000/- in default to undergo R.I. for one month. The appellant shall surrender before the trial Court within one month with a copy of this judgment for execution of the sentence as aforesaid.

4. The appeal is accordingly disposed of