SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

State Vs. Bikram Singh

State Vs. Bikram Singh

SooperKanoon Citation : sooperkanoon.com/688983

Court : Delhi

Decided On : Nov-19-1986

Reported in : 31(1987)DLT104

Judge : Malik Sharief-Ud-Din, J.

Acts : Essential Commodities Act, 1955 - Sections 8

Appeal No. : Criminal Appeal No. 133 of 1986

Appellant : State

Respondent : Bikram Singh

Advocate for Pet/Ap. : R.P. Lao, Adv

Judgement :

Malik Sharief-Ud-Din, J.

(1) The respondent was charged by the learned Additional Sessions Judge, New Delhi under section 8 of the Essential Commodities Act for contravening the provisions of Delhi Specified Articles (Regulations and Distribution) Order, 1981. On a plea of guilty he was convicted for the aforesaid offence and sentenced to the payment of tine of Rs 800.00 in default of payment of which he was required to undergo simple imprisonment for 2 months.

(2) The state felt aggrieved of the order in as much as according to the appellant the sentence awarded was disproportionate to the gravity of the offence involved.

(3) I have heard Mr. R.P. Lao, counsel for the State, and have gone through the record. For a proper assessment of the issue involved I may notice the facts that gave rise to the prosecution of the respondent. The charge against the accused-respondent is that he did not maintain the proper and regular account in respect of the receipt of Palm Seed and Rape Seed Oil received by him for distribution at different times. Admittedly, there was no allegation that the respondent had un authorized and improperly diverted the material or had attempted to or sold it to persons who were not entitled to procure it. There was further no allegation of any excess or shortage in stocks.

(4) It would be noticed that it was under these circumstances, that the learned Trial Judge found him guilty of contravening of section 3(2)(i) of Essential Commodities Act read with section 7. The maximum punishment provided for the offence is one year as well as fine. In the light of all these circumstances the learned Trial Judge thought that sentence of fine would meet the ends of justice. I would like to re-iterate that since there was no malafide intention involved in maintaining a regular account the sentence of fine does meet the ends of justice. No case for enhancement of the sentence is made out. The appeal as such shall stand dismissed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com