

Daulat Ram Vs. State

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Court : Delhi

Decided On : Nov-20-1987

Reported in : 34(1988)DLT304

Judge : D.P. Wadhwa, J.

Acts : [Essential Commodities Act, 1955](#) - Sections 7; Delhi Edible Oil (Licensing and Control) Order, 1977

Appeal No. : Criminal Revision Appeal No. 92 of 1987

Appellant : Daulat Ram

Respondent : State

Advocate for Pet/Ap. : Mr. Gupta

Judgement :

D.P. Wadhwa, J.

(1) On September 14, 1987, I recorded the following order : 'By this petition the petitioners seek quashing of the charge framed against them by the learned Additional Sessions Judge, Delhi. The petitioners have been charged for contravening the provisions of the Delhi Edible Oil (Licensing and Control) Order 1977 read with the Vegetable Oil Products Control Order 1947 for allegedly in possession of certain quantity of Rbd palm oil and rapeseed oil for the purpose of

exporting the same outside Delhi and thereby having attempted to transport the edible oil products from the Union Territory of Delhi to a place outside Delhi. The petitioners are, therefore, alleged to have committed an offence punishable under Section 7 of the Essential Commodities Act. It may be stated that on the basis of an Fir dated 23rd May 1983, a case was registered against the petitioners for having been in possession of certain quantity of Rbd palm oil, rapeseed oil, til oil, arandi oil and hydrogenated vegetable oil. In the Fir it was stated that the petitioners contravened the provisions of Delhi Edible Oil (Licensing and Control) Order, 1982 (7) 1987. Mr. Gupta, learned counsel for the petitioners, submits that that Order applies only to imported rapeseed oil, palm oil and palmolein oil. He says there is nothing on record to show that the rapeseed oil and palm oil, of which the petitioner was in possession, was imported. His further contention is that the aforesaid Order did not apply to til oil and arandi oil and also to hydrogenated vegetable oil. During the proceedings before the Additional Sessions Judge, it appears that the prosecution stated that the case of the petitioners was covered under a certain notification dated 31st May, 1966 issued under the Vegetable Oil Products Control Order 1947. Then Mr. Gupta contends that this notification applies only to hydrogenated vegetable oil. To appreciate the contention of Mr. Gupta that there is nothing on record to show that rapeseed oil and palm oil were imported; I think it will be necessary to examine the record of the trial court. I would, therefore, adjourn this matter to 23rd September, 1987 when file of the trial court will be sent into the court.'

(2) I have perused the file of the trial court and have further heard Mr. Gupta. Under clause 14A of the Delhi Edible Oil (Licensing and Control) Order 1977, there is prohibition of unauthorised purchase and sale and possession of imported edible oils, namely, rapeseed oil, palm oil and palmolein oil. If reference is made to the Panchnama the edible oils falling within this Order would be Rbd palm oil and rapeseed oil but then these have to be imported. There is nothing on record to show that the rapeseed oil and Rbd palm oil recovered from the petitioners were imported. The impugned charge relates to only these two edible oils and therefore cannot be sustained,

(3) In all fairness Mr. Gupta said that there are allegations regarding contravention of the Vegetable Oil Products Control Order 1947 which in its application applies to vegetable products, He says this would cover hydrogenated vegetable oil recovered from the petitioners though charge has not been framed in respect of the same. None of the orders either of 1977 or of 1947 would apply to til oil or arandi oil. The question then arises if the petitioners were transporting hydrogenated vegetable oil in contravention of the provisions of the Control Order of 1947. Admittedly, various oils as mentioned in the Fanchnama were recovered at Minto Bridge Railway Station after these had been loaded in the train of which the ultimate destination was Meerut in Uttar Pradesh. Mr. Gupta said that there was nothing on record to show that the hydrogenated vegetable oil or other oil was being taken to Meerut. He says that it was submitted by the learned Prosecutor in the court of session that there was no other railway station in between Minto Bridge and Meerut. This, of course, is not correct. There are two more railway stations falling within the Union territory of Delhi before the train crosses Delhi border, these being Tilak Bridge and Anand Vihar. In support of his contention, Mr. Gupta has referred to a decision of the Supreme Court in Malkiat Singh and another v. State of Punjab : 1970 CriLJ750 .

In the circumstances, therefore, I would allow the petition and quash the order dated 30-9-1986 and would discharge the petitioners.

(5) I would record that there has not been any appearance on behalf of the State while arguments were being heard in this matter at least on two hearings.

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