

**Ratanlal Vs. the State**

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**SooperKanoon Citation :** [sooperkanoon.com/755446](http://sooperkanoon.com/755446)

**Court :** Rajasthan

**Decided On :** Mar-07-1952

**Reported in :** 1953CriLJ187

**Judge :** Atma Charan, J.C.

**Appellant :** Ratanlal

**Respondent :** The State

**Judgement :**

ORDER

Atma Charan, J.C.

1. Heard the parties.
2. The accused-applicant stands convicted under Section 7 of Central Act XXIV of 1946 and sentenced to pay a fine of Re. 100.
3. The accused-applicant is the Honorary Secretary of the Ganesh Co-operative Urban Bank Ltd. to which a licence had been issued to sell controlled foodgrains. The shop was checked by the Rationing Department on 15.9.1949 and the stock was found short. He was accordingly prosecuted and convicted for not maintaining correctly the Stock Register and the Sales Register.

4. The only point raised in revision on behalf of the accused-applicant is that he should not have been held liable for the shortage and consequently for the incorrect entries and should not have been prosecuted, convicted and sentenced therefor, vide Section 9 of the Act. His ground of defence was that he had already brought to the notice of the Rationing Department that he was experiencing a great difficulty not being a technical man in running the shop and had already requested for the cancellation of the licence. The Rationing Department, for reasons of their own, did not straightway cancel the licence as they should have done, but wrote back to say that the matter was receiving attention and that in the meantime the business be carried on. These two letters were filed on behalf of the accused-applicant before the trial Court, and were marked Exha. D-2 and D-3. Those letters, however, are now not to be found on the record of the trial Court. There is no note either on the record of the trial Court to show as to what has happened to them.

In the circumstances, I have got no option but to rely fully on (sic) as to how these two letters were interpreted by the two Courts below giving the maximum of benefit to the accused-applicant. These letters clearly go to establish that the Rationing Department did not realise the significance of the letter of the accused-applicant fully, otherwise they would not have sent the reply as they did. The responsibility for the negligent manner in which the affairs of the shop were allowed to be carried on accordingly also falls fully on the Rationing Department themselves. In the circumstances, I am not prepared to hold that any blame attaches to the accused-applicant himself and he must be given the benefit of doubt and acquittal.

5. The application in revision accordingly is allowed, the conviction and the sentence of the accused-applicant are set aside and he is acquitted: the fine or part of the fine, if already realised, be refunded to the accused-applicant.