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Court : Rajasthan

Decided On : Sep-01-1989

Reported in : 1989WLN(UC)265

Judge : Mohini Kapoor, J.

Appeal No. : S.B. Cr. Revision Petition No. 247, of 1986

Appellant : Narayan Lal

Respondent : State of Rajasthan

Judgement :

Mohini Kapoor, J.

1. The petitioner has been convicted for the offence under Section 3/7 of the Essential Commodities Act (here in after referred as to the 'EC Act`) and the learned Chief Judicial Magistrate Jhalwar sentenced him to 6 month's RI & a fine of Rs. 1,000 and in default of payment of fine to undergo simple imprisonment for three months This conviction was made on 1st March 1982 and had been confirmed in appeal by the Sessions Judge, Jhalawar in Criminal Appeal No. 25/82 by order dated 6th September, 1986. Against this decision the present revision has been preferred.

2. It may be stated that the prosecution of the petitioner was for violating conditions Nos. 5, 22 and 17 of the licence granted to him. The substance of the case is that the petitioner distributed sugar twice on certain ration cards. Against judgment dated 6-9-1986 passed by Sessions Judge, Jhalawar and made double entries. The register prescribed for making entries was also not maintained in accordance with the directions. It was for the first time that sugar was issued to him in May, 1980 and on the very first occasion his record shows that sugar more than that allotted to him had been distributed by him. The ration cards and the registers maintained by the petitioner have been produced in support of the case of the prosecution. The learned Counsel for the petitioner has tried to explain this double distribution by saying that in several cases, the Civil Supplies department had issued double or duplicate ration cards and it is on account of these duplicate ration cards that the petitioner supplied sugar on certain units for a second time. However, the amount of sugar, which is said to have been illegally made use of is three quintals which is not an unsubstantial amount. A couple of duplicate ration cards cannot account for ever three quintals of sugar.

3. The learned Counsel for the petitioner has tried to raise other contentions also, in order to show that the conviction of the petitioner is not proper but it can be said that in a revision petition, this court cannot look into the matters as if it is an appeal. When two courts have arrived at a conclusion this court can interfere only if it could be said that the finding of the courts below are perverse. In the present case, there are no such circumstances.

4. As a last contention, the learned Counsel for the petitioner has urged that the petitioner has remained in custody for 18 days and he should be let off on the imprisonment already undergone by him. In support of his contention he has placed reliance on *Prakash Chandra Ajmera v. State of Rajasthan* 1984 RLR 842. Considering the circumstances, this plea can be accepted.

5. The conviction of the petitioner is maintained. As regards the sentence, the imprisonment of 18 days already undergone by the petitioner is substituted for six months R.I. as ordered by the courts below. The fine of Rs. 1,000/- is enhanced to Rs. 2,000/- and in default of payment of fine, the petitioner shall undergo simple

imprisonment for four months. The petitioner is allowed three months time for depositing the fine.

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