

**Kanak Mal Vs. State of Rajasthan**

**Kanak Mal Vs. State of Rajasthan**

**SooperKanoon Citation :** [sooperkanoon.com/763765](http://sooperkanoon.com/763765)

**Court :** Rajasthan

**Decided On :** Jan-04-1999

**Reported in :** 1999CriLJ1091; 1999WLC(Raj)UC300

**Judge :** S.C. Mital, J.

**Acts :** [Essential Commodities Act, 1955](#) - Sections 3 and 7; Code of Criminal Procedure (CrPC) , 1974 - Sections 482

**Appeal No. :** Crl. Misc. Petn. No. 666 of 1995

**Appellant :** Kanak Mal

**Respondent :** State of Rajasthan

**Advocate for Def. :** S.K. Vyas, Public Prosecutor

**Advocate for Pet/Ap. :** Suresh Kumbhat, Adv.

**Disposition :** Petition allowed

**Judgement :**  
ORDER

**S.C. Mital, J.**

1. The petitioner is facing trial in Cr. Case No. 110/85(2/82) under Section 3/7 Essential Commodities Act in the Court of Additional Chief Judicial Magistrate,

Merta. Through this petition under Section 482 Cr. P.C., the petitioner has prayed to quash the proceedings on the ground of delay in trial.

2. The charge-sheet was filed on 24-11-82. Charge was framed on 25-2-86. P.W. 1 was examined on 28-7-86 i.e. after six years of the institution of the case. Last witness P.W. 21 was examined on 9-8-94 and his statement was kept reserved. Thereafter, order for de novo trial was passed on 11-7-95. Hence the substance of the charge was again stated on 19-7-95. Witness was not present on 19-8-95. The petitioner filed this petition and the proceedings were stayed by this Court vide order dated 15-1-96. The learned counsel for the petitioner submitted that the accused petitioner has faced the trial for the last 14 years till the proceedings were stayed by this Court vide order dated 15-1-96. De novo trial has been ordered on 11-7-95 and now all the witnesses will be called again and the trial is likely to take a very long time. The trial has not been conducted expeditiously against the petitioner. The petitioner is not at fault for the delay. In view of these circumstances, it will be in the interest of justice to exercise power under Section 482, Cr.P.C. to quash the proceedings. The learned Public Prosecutor opposed this prayer.

3. I have given my careful consideration to the rival contentions. The offence against the petitioner is under Section 3/7, Essential Commodities Act, which is being summarily tried against him. The incident is said to have taken place on 1 - 9-81 and even the charge was framed after 4 1/2 years i.e. on 25-2-86. Now, de novo trial has been ordered after about 14 years. The petitioner accused has suffered mental agony and a lot, financially also by attending the Courts regularly. I find from the order sheets that the petitioner has been attending the Courts and has no contribution at all for the delay in trial. In these circumstances, I am inclined to agree with the learned counsel for the petitioner that it is in the interest of justice that the proceedings are quashed by exercise of inherent powers of this Court.

Consequently, this petition under Section 482, Cr. P.C. is hereby allowed. The proceeding of Cr. Case No. 110/85 (2/82) (State v. Kanakmal) under Section 3/7, Essential Commodities Act pending in the Court of Additional Chief Judicial Magistrate, Merta is hereby quashed.

