

Hari Ram Vs. the State of Rajasthan

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Court : Rajasthan

Decided On : Jul-21-1992

Reported in : 1992(2)WLC715; 1992(2)WLN618

Judge : Y.R. Meena, J.

Appeal No. : S.B. Criminal Revision Petition No. 368 of 1982

Appellant : Hari Ram

Respondent : The State of Rajasthan

Advocate for Pet/Ap. : Mr. A.K. Samdaria

Judgement :

Y.R. Meena, J.

1. This revision petition is directed against the judgment of the learned Sessions Judge, Pali dated 18.8.82.

2. Mr. A.K. Samdaria, learned Counsel for the petitioner submitted that the learned Sessions Judge has summarily dismissed the appeal without giving any reason, therefore, the order of the learned Sessions Judge is erroneous. For that he relied upon the decision of the Kerala High Court in Prabhakaran Nair and Ors. v. State of Kerala : AIR1960 Ker314 .

3. On the other hand Mr. C.R. Jakhar, learned Public Prosecutor submitted that there is no provision for Tiling the appeal in the court of Sessions Judge against the impugned order of the Additional Collector-cum-Addl. District Magistrate, Pali, therefore, the appeal filed by the petitioner in the court of Sessions, Judge, Pali is not maintainable.

4. I have heard Mr. A.K. Samdaria, learned Counsel for the petitioner and Mr. C.R. Jakhar, learned Public Prosecutor for the State and also perused the order of the learned Sessions Judge, which reads as under:

dksbZ mifLFkr ugh gS eSus v/khUkLFk U;k;ky; dsk vkns'k ns j[kk] mles fdLh gLr{ksi dh xqatkb'k ugh gS vr% vihy [kkfjt dh tkrh gS A

5. The impugned order is neither reasoned nor proper order. The order should contain the points for determination the decision thereon and reasons for the decision. The mere mentioning that there is no scope in the order for interference, is not enough.

6. Section 6A of the Essential Commodities Act, 1955 provides the appeal against the order of confiscation of essential commodity. According to this Section, the appeal lies to the State Government. Secondly, the order of the learned Sessions Judge is not a speaking order.

7. Considering both the aspects of the case, I set aside the order of Sessions Judge and remit the matter back to the learned Sessions Judge with direction to pass a reasoned and speaking order The learned Sessions Judge is also directed to examine as to whether the appeal against the order of Additional District Magistrate can be entertained by him in spite of the provisions of Section 6A of the Essential Commodities Act.

8. The revision petition is disposed of with the above observations.