

In Re: Veerasikku and anr.

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Court : Chennai

Decided On : Feb-08-1971

Reported in : 1971CriLJ770

Judge : K.N. Mudaliyar, J.

Appellant : In Re: Veerasikku and anr.

Judgement :

ORDER

K.N. Mudaliyar, J.

1. Briefly the facts are : Both the accused 1 and 2 are the petitioners. They are the driver and cleaner of the lorry bearing No. M DA 3952 respectively. They Carried 56 bags of rice from Madurai to Kambam on 20-7-1968 without any permit or licence to deal in such commodity. They were convicted under Clause i (1) of the Madras Paddy and Rice Dealers Licensing and Regulation Order of 1968 read with Section 7 (1) (a) (ii) of the Essential Commodities Act. Mr. Sriramulu's argument is that neither the driver nor the cleaner (neither A-1 nor A-2) could be a 'dealer' within the meaning of Clause 3 (o) of the Madras Paddy and Rice Dealers Licensing and Regulation Order of 1968, for they are not engaged in the business of purchase or movement or sale or storage for sale of paddy or rice in quantity of two quintals or more at any one time in the State, Learned Public Prosecutor contended the said position in law by reason of the significant phrase in the

definition clause 'dealer', viz., 'in the business of movement,' A single transaction would not constitute the business of move, ment, and therefore it cannot be said that the two petitioners engaged themselves in the business of movement for the sale of paddy or rice. On this shot- ground, the two petitioners are entitled to the benefit of doubt.

2. The revision petition is allowed and the petitioners are acquitted. The fine amount, if already paid by A.I.R is directed to be refund, ed to the first petitioner The order of confiscation is set aside and the proceeds of confiscated property shall be returned to A-1.

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