

In Re: Gajendran

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SooperKanoon Citation : sooperkanoon.com/817335

Court : Chennai

Decided On : Jan-19-1972

Reported in : 1973CriLJ112

Judge : Somasundaram, J.

Appellant : In Re: Gajendran

Judgement :

Somasundaram, J.

1. 60 bags of rice were (transported by the petitioner in lorry MDH 2427 from Red Hills, a notified area, to Arambakkam, a village in another notified area, on the morning of 27.9.1968. P. W. 1. the Special Tahsildar. Civil Supplies, stopped this lorry at Janapam Chatram. a village within Arambakkam limits. The petitioner did not have any valid permit for 31 bags. He was prosecuted under Section 3(1) of the Madras Paddy and Rice Movement Control Order. 1968, read with Section 7 of the Essential Commodities Act. When questioned in Court, the petitioner said that when he was keeping the lorry at a petrol bunk at Janapan Chatram the Taluk Supply Officer came and took him and the lorry to the Police Station. The District Magistrate. Chingleput. who tried him, convicted and sentenced him, for this transport without permit, to pay a fine of Rupees 100/-. He further ordered the confiscation of the 31 bags which were not covered by any permit. The petitioner contends that he has been wrongly convicted.

2. The petitioner admits that this lorry was intercepted and checked at Janapan Chatram which is within the limits of Arambakkam, a notified area. The prosecution case is that these bags of rice were transported from Red Hills another notified area. On behalf of the petitioner it is contended that as it is there is no evidence on the side of the prosecution to show that these bags were in fact transported from Red Hills. Ex. P. 2 the trip sheet, gives the origin of the trip as Red Hills. Further, the petitioner has admitted before P. W. 2 the Revenue Inspector, that the lorry came from Red Hills. He was specifically questioned by the Court, by stating that these bags were transported from Red Hills. This he did not deny. He has given an evasive answer by saying that he was sleeping in the lorry at Janapan Chatram and that therefore he was taken to the Police Station. Thus, from the materials on record, the Courts below have correctly held that these bags were transported from one notified area to another.

3. The charge-sheet recites that the transport occurred On 27.9.1968 at 1.30 a.m. In Ex. P. 3, The proceedings of the Collector according sanction to the prosecution, the date is given as 28.9.1968. Obviously this is a mistake. In view of this mistake, the sanction does not become invalid. Where, throughout the question is only of a single offence, which is otherwise properly described and specified, the sanction is not bad merely because mistake has, been committed, in specifying the date of offence by one day³ Vide *Girwardhari Lal v. King Emperor* (1909) 13 Cal WN 1062 : 10 Cri LJ 463; *Emperor v. Jehangir Admeshir Cama* : AIR1927 Bom501 and *Krishna Kumar v. The State* ILR (1962) Raj 847.

4. The conviction and sentence are confirmed. So also the confiscation. The revision fails and the same is dismissed.