

State of Rajasthan Vs. Modi Ram

State of Rajasthan Vs. Modi Ram

SooperKanoon Citation : sooperkanoon.com/920452

Court : Rajasthan

Decided On : Jul-18-2011

Judge : Narendra Kumar Jain, J.

Acts : [Essential Commodities Act, 1955](#) - Section 6(A), 3 of 7

Appeal No. : Case No. CRLR 819 of 2011

Appellant : State of Rajasthan

Respondent : Modi Ram

Advocate for Pet/Ap. : Ms. Rekha Madnani, Adv

Judgement :

1. Heard the learned counsel for petitioner.
2. District Collector, Bharatpur vide its order dated 13.07.2009, allowed the application of Enforcement Inspector under Section 6(A) of the [Essential Commodities Act, 1955](#) (for short 'the E.C. Act') and passed an order of confiscation of 3000 litres of diesel.
3. Being aggrieved with the same, an appeal was preferred, which was allowed by the Additional District & Sessions Judge No.2, Bharatpur vide order dated 15.09.2009, which is under challenge in this revision petition, preferred on behalf of the State.

4. Appellate Court considered the matter in detail and observed that a case under Section 3/7 of the E.C. Act was registered at Police Station Chiksana alleging that 3000 litres of kerosene was found in vehicle in dispute, but when a sample was sent and report came, then it was reported that it is diesel and not kerosene. During investigation, police came to a conclusion that case has wrongly been registered and ultimately Final Report was given. Final Report has already been accepted by the competent Court. Learned Appellate Court, in these circumstances, came to a conclusion that since Final Report has been given and the same has been accepted, therefore, seized article has to be returned to the person, from whose custody it was seized, therefore, he set aside the order of confiscation passed by the District Collector.

5. Aforesaid facts, mentioned in the order of learned Additional Sessions Judge, have not been disputed by the learned Public Prosecutor while arguing the present revision petition.

6. The reasons assigned by the Appellate Court are absolutely legal and justified and no interference in the said order is called for by this Court.

7. There is no merit in this revision petition and the same is, accordingly, dismissed in limine.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com