

(2012) 03 JH CK 0045

Jharkhand High Court

Case No: Criminal Miscellaneous No. 4579 of 2000

Naresh Kumar Bhagat
and Another

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision: March 15, 2012

Acts Referred:

- Essential Commodities Act, 1955 - Section 7

Citation: (2012) 2 JLJR 206

Hon'ble Judges: Prashant Kumar, J

Bench: Single Bench

Advocate: Mukesh Kumar Sinha, for the Appellant; Shreeprakash Jha, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Prashant Kumar, J.

This application is directed against the order dated 3.4.2000 passed by Special Judge, Essential Commodities Act, Dhanbad in G.R. No. 88/99, whereby he took cognizance against the petitioners u/s 7 of the Essential Commodities Act. It is alleged that petitioners contravened and violated the provisions of Bihar Trade Articles (Licences Unification) Order, 1984 (hereinafter referred as Unification Order).

2. Mr. Mukesh Kumar Sinha, learned counsel appearing for the petitioners, submits that petitioners are not the licensee, therefore, they cannot be prosecuted under the Essential Commodities Act. Accordingly, it is submitted that order of cognizance so far these petitioners are concerned are liable to be set aside.

3. Having heard the submissions, I have gone through the records of the case.

4. From perusal of F.I.R., it appears that though co-accused Sohrai Ram is the licensee but on verification, it was found that petitioners were running the business of Katras Gas Service as its Proprietor. It is alleged in the F.I.R. that co-accused Sohrai Ram is an employee of aforesaid Gas Agency and he was getting salary of Rs. 2,000/- per month. It is further alleged that no stock register maintained in the said Gas Agency. It is not out of place to mention that one of the condition enumerated in the license is that the proprietor must maintain a stock register. It is also alleged that petitioners were supplying less quantity of gas with a view to fetch more money. Under the said circumstance, I find that the learned court below rightly concluded that petitioners contravened the provisions of Unification Order.

5. In view of the discussions made above, I find no merit in this application, which is, accordingly, dismissed. It is made clear that above finding given in this case will not prejudice petitioners in his defence during trial.