

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.A-1001-MA of 2015 (O&M)
Date of decision: September 01, 2015

Market Committee, Guruhar Sahai

...Applicant

Versus

M/s Ganesh Rice Mills and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.P.Garg, Advocate
for the applicant.

INDERJIT SINGH, J.

CRM No.19567 of 2015

Heard.

For the reasons mentioned in the application, the same is allowed. Delay of 42 days in filing the application seeking leave to appeal, is condoned.

CRM No.A-1001-MA of 2015

Applicant-Market Committee, Guruhar Sahai has filed this application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against respondents M/s Ganesh Rice Mills and Prem Nath, challenging the judgment dated 05.03.2015 passed by learned Sub Divisional Judicial Magistrate, Guruhar Sahai, whereby the complaint filed by the applicant was dismissed and accused-respondents were acquitted from the charges framed against them.

It is stated in the application that accompanying appeal is

likely to succeed on the grounds mentioned therein. The impugned judgment passed by learned SDJM, Guruhar Sahai is illegal, arbitrary and against the admitted facts. Hence, the same is liable to be set aside and accused persons are liable to be convicted for the offences which they have committed.

As per the record, the complainant Market Committee, Guruhar Sahai filed a complaint against accused M/s Ganesh Rice Mills and another under Section 6 Sub Rule 3 and 37 of the Punjab Agriculture Produce and Market Act, 1961 and Sections 379 and 420 IPC. It is the case of the complainant that accused-firm is doing business of sale and purchase of agricultural produce at Mandi Guruhar Sahai, which is within the notified area of Market Committee Guruhar Sahai. Earlier the said firm obtained licence from the Market Committee, Guruhar Sahai, validity of which expired on 31.03.2007. However, accused without obtaining fresh licence, were still carrying on their business of sale and purchase of agricultural produce. Notices were served upon accused-firm but in spite of that, they continued their business. It is the case of the complainant that in this manner accused have cheated complainant and apart from that they have violated the provisions of Punjab Agriculture Produce and Market Committee Act, 1961.

On the basis of the evidence on record, learned SDJM, Guruhar Sahai, acquitted the accused-respondents vide impugned judgment dated 05.03.2015.

I have heard learned counsel for the applicant and have gone through the record.

From the record, I find that there is no evidence at all on the record to show that the accused were still doing the business. There is no evidence on record that accused have sold the agricultural produce to different firms by K-forms in question. There is no cogent evidence that the K-forms in questions have been issued by the accused. Further, owners of the firms to whom the agricultural produce has been sold, have not been examined by the complainant. Neither expert witness nor any other witness has been examined by the complainant to prove the writing and signatures of accused on K-forms. The witnesses examined by the complainant have admitted in their cross-examination that they have not verified the writing on K-forms.

Keeping in view the above discussion, I find that nothing is there from which it can be held that findings given by learned Court below are perverse or not as per law. I find that judgment dated 05.03.2015 passed by learned SDJM, Guruhar Sahai, is correct, as per evidence and law.

Therefore, finding no merit for grant of permission for leave to appeal, the present application stands dismissed.

September 01, 2015
Vgulati

(INDERJIT SINGH)
JUDGE