

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-A NO.395-MA OF 2015
DATE OF DECISION : 1st MAY, 2015

Dharambir

.... Appellant

Versus

Ram Pal & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Ravi Kant Sharma, Advocate for the appellant.

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SURINDER GUPTA, J. (ORAL)

Complaint filed by the complainant for offence punishable under Section 3, 7 & 9 of the Essential Commodities Act was dismissed by the Court of Judicial Magistrate, Ist Class, Hisar vide judgment dated 23.12.2014. The complaint was filed with allegations that while getting ration card issued respondent had given his wrong address as house No.90, Mall Colony, Hisar and wrongly mentioned his income as ₹80,000/-. The trial Court acquitted the accused on the grounds as follows:

- (i) The document in which alleged wrong information was given was not duly proved.
- (ii) Respondent was allotted a plot No.74, Mall Colony, Hisar and no evidence has come on file as to what house number has been allotted to him after construction of house on that plot.

- (iii) The net income of the respondent in the year 2004 was ₹97,765/- and nothing was brought on record to prove as to what extra benefit had been taken by the respondent by giving wrong information of his income while obtaining the ration card.
- (iv) The appellant is neither a public servant nor aggrieved person or any recognized consumer association, as such, the Court could not take the cognizance of the offence as per the provisions of Section 11 of the Essential Commodities Act, 1955.
- (v) The complainant has not appeared as witness to depose in support of his contention and while drawing the conclusion the apparent motive for filing this case was the litigation between the parties.

On perusal of the judgment and the paper book, I find no factual or legal infirmity in the impugned order. Rather it is clear that the appellant has tried to misuse the provisions of the Essential Commodities Act to harass the respondent for ulterior motive. Petitioner, a resident of Shimla, has litigation with respondent who is resident of Hisar, Haryana. Claiming himself to be member of consumer awareness congress of Himachal Pradesh, Shimla, he filed the instant complaint, without any basis or cause of action. This appeal has no merits.

Dismissed.

1st May, 2015
'raj'

(SURINDER GUPTA)
JUDGE