

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-28435 of 2014

Date of Decision: February 2, 2015

Sukhdev Singh and others

.....Petitioners

Vs.

State of Punjab and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- None for the petitioners.

Mr. R.S. Nain, AAG, Punjab.

Mr. Parminder Singh –I, Advocate.

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M.M.S. BEDI, J. (ORAL)

Reply filed.

Petitioners are partners of M/s Satgur Teja Singh Fatehpur Rice Mills, Sardulgarh, Mansa. On account of allegations and inquiry that on physical verification of stocks 25881 bags of paddy i.e. 9058 qtls. were found to be deficient, petitioners claim that they having delivered the balance rice after milling, cannot be said to have committed offence under Section 420, 406 IPC.

It has been averred in the reply filed by the State that if the petitioners have delivered the balance rice even then they are guilty of having committed offence under Sections 406, 420 IPC.

Counsel for complainant Markfed has admitted that the shortage has already been made good and that it has also been mentioned that the date of delivery of balance rice was extended from December 10, 2013 to January 17, 2014 and there is no balance of rice of crop year 2012-13.

In view of the above said subsequent event, the investigating agency is required to further investigate the matter by recording the supplementary statements. In case the charges have not been framed, it will be open to the trial Court to discharge the petitioners on the basis of the report under Section 173 (8) Cr.P.C. which would be prepared on the basis of the above said admissions made by the complainant. It will be open to the prosecution agency to present cancellation report also.

Disposed of.

Februar 2, 2015
sanjay

(M.M.S.BEDI)
JUDGE