

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.31 of 2007

JUDGMENT:

This Criminal Appeal is preferred by the complainant challenging the Judgment dated 13.06.2006 passed in C.C.No.31 of 2005 by the Court of the Judicial Magistrate of First Class, Bantumilli, whereby the learned Judge dismissed the complaint and acquitted the accused for the offence under Sections 17(c)(1) and 23(5) of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act.

The case of the complainant in brief is as follows.

The accused has been running the business in the name and style 'Srinivasa Firewood Depot' and that the accused is under obligation to maintain regular accounts and produce them for inspection as and when demanded by the complainant, Agricultural Market Committee. Even after service of notice, the accused failed to produce the same and finally, a show cause notice was also issued as to why prosecution should not be launched against the accused, but there was no response from the accused. Hence, the complaint.

To prove the guilt of the accused, P.W.1 was examined and Exs.P.1 to P.8 were marked. No oral or documentary was adduced on behalf of defence.

On appreciation of oral and documentary evidence, the trial Court found the accused not guilty for the offence under Sections 17(c)(1) and 23(5) of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act and accordingly acquitted the accused. The Court below has not accepted the contention of the complainant that the notice was served on the son of the proprietor of the accused. The Court below observed that service of notice on the accused is mandatory to establish that even after service of notice, the accused failed to produce the document. Further, the

Court below held that though P.W.1, Supervisor of the complainant, stated that prior to issuance of notice, Ex.P.3, she has visited the premises of the accused two or three times, the same cannot be believed for the reason that she has not given any specific dates of her visits. The prosecution failed to connect the accused with the crime and as such, the accused was acquitted of the offences.

This Court is of the view that the Court below has appreciated the evidence in proper perspective and the reasoning given while acquitting the accused is in accordance with law. The Judgment of the Court below does not suffer from any perverse findings and the acquittal recorded by the Court below needs no interference by this Court. Hence, the Criminal Appeal is liable to be dismissed.

The Criminal Appeal is accordingly dismissed. Miscellaneous applications, if any pending in this appeal, shall stand dismissed.

30.08.2016
pln

JUSTICE RAJA ELANGO

