

Surendra Nath Jena vs State Of Orissa on 1 April, 1977

Equivalent citations: AIR1977SC1616, 1977CRILJ1120, (1977)2SCC583, 1977(9)UJ364(SC), AIR 1977 SUPREME COURT 1616, (1977) 2 SCC 583, (1977) 2 SC WR 173, 1977 CRI APP R (SC) 331, 1977 SCC(CRI) 385, 1977 SC CRI R 180, 1977 UJ (SC) 364

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Bench: P.K. Goswami, P.N. Shinghal, Y.V. Chandrachud

JUDGMENT

Y.V. Chandrachud, J.

1. Clause 28 of the Iron and Steel (Control) Order, 1956, provides by Sub-clause (a) that the Controller may, with a view to securing compliance with the Order, "require any person to give such information in his possession in respect of stocks of iron or steel or of scrap acquired by him."
2. It is undisputed that the appellant was acquitted in a separate proceedings of the charge that he had acquired any stocks of iron, steel or scrap. In that view of the matter, it is impossible to hold that the appellant can still be convicted under Section 7 of the Essential Commodities Act, for violation of Clause 28(a) of the Iron and Steel (Control) Order of 1956. The High Court, in our opinion, is wrong in view which it has taken that a person can be held guilty of the violation of Clause 28(a) even if he has not acquired the stocks of iron, steel or of scrap.
3. We, therefore, allow this appeal set aside the judgment of the High Court and acquit the appellant.