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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1553-1554 OF 2007

KRSHHI UPAJ MANDI SAMITI, JHALRAPATAN ....APPELLANT
VERSUS
M/S. SINGHAL TRADING CO. ....RESPONDENT
WITH

CRIMINAL APPEAL NOS.1555-1556 OF 2007
CRIMINAL APPEAL NOS.1557-1558 OF 2007
CRIMINAL APPEAL NOS.1559-1560 OF 2007
CRIMINAL APPEAL NOS.1561-1562 OF 2007
CRIMINAL APPEAL NOS.1563-1564 OF 2007
CRIMINAL APPEAL NO.1437 OF 2008

O R D E R

It is common ground that in all these appeals, common questions of law with little variation on facts arise and therefore, they have been heard together and are being disposed off by this common order.

The complainant, aggrieved by the acquittal of respondent for offence under section 17 read with section 28(2) of the Rajasthan Agriculture Produce Markets Act, 1961 (hereinafter referred to as the 'Act'), is before us with the leave of the Court.

The complainant-Krshhi Upaj Mandi Samiti, Jhalrapatan is a body constituted under the Act. It filed a complaint in the Court of Chief Judicial Magistrate, Jhalawar, inter alia alleging that the respondent-accused had purchased the Loaf Sugar from the Loaf Sugar Mills in the State of Maharashtra during the financial years 1998-1999 and 1999-2000 but has not deposited the market fee.

According to the complainant, the respondent had evaded to pay the market fee payable to the Market Committee intentionally and therefore exposed itself for commission of the offence under section 17 read with section 28(2) of the Act.

The trial court on appreciation of evidence came to the conclusion that the complainant has not been able to prove the purchase by the accused from the State of Maharashtra and accordingly, acquitted the respondent. On appeal by the complainant, the High Court has affirmed the said finding and dismissed the appeal.

Learned counsel appearing for the appellant draws our attention to the statement made in the synopsis and submits that the respondent having admitted the purchase from the State of Maharashtra in statement recorded under section 313 of the Code of Criminal Procedure (for short the 'Cr.P.C.'), the High Court ought to have reversed the judgment of acquittal and held the respondent guilty under section 17 read with section 28(2) of the Act.

We do not find any substance in the submission of the learned counsel appearing for the appellant. The appellant itself had produced the statement of the accused recorded under section 313 Cr.P.C. and from a perusal thereof, we do not find that the accused has made any such statement.

Not only this, during the course of trial, the complainant has not proved the document on the basis of which the complaint was filed.

We are of the opinion that the view taken by the trial court as affirmed by the High Court is only the view possible in the state of

evidence.

In the result, we do not find any merit in these appeals and they are dismissed accordingly.

.....J
[CHANDRAMAULI KR. PRASAD]

.....J
[JAGDISH SINGH KHEHAR]

NEW DELHI;
SEPTEMBER 25, 2013.

ITEM NO.104 COURT NO.8 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NOS.1553-1554 OF 2007

KRSHHI UPAJ MANDI SAMITI, JHALRAPATAN Appellant (s)

VERSUS

M/S. SINGHAL TRADING CO. Respondent(s)

WITH

CRIMINAL APPEAL NOS.1555-1556 OF 2007 (With office report)
CRIMINAL APPEAL NOS.1557-1558 OF 2007 (With office report)
CRIMINAL APPEAL NOS.1559-1560 OF 2007 (With office report)
CRIMINAL APPEAL NOS.1561-1562 OF 2007 (With office report)
CRIMINAL APPEAL NOS.1563-1564 OF 2007 (With office report)
CRIMINAL APPEAL NO.1437 OF 2008 (With office report)

Date: 25/09/2013 These Appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Mr. Nikhil Singh, Adv.
For Mr. Aruneshwar Gupta,Adv.

For Respondent(s) Mr. B.S. Banthia,Adv.

UPON hearing counsel the Court made the following
O R D E R

These appeals are dismissed in terms of the signed order.

(Sanjay Kumar) Court Master	(Indu Satija)
	Court Master

(Signed order is placed on the file)