

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CRIMINAL APPEAL NO(s). 1486 OF 2005

UNNI @ UNNIKRISHNAN & ANR. Appellant (s)

VERSUS

STATE OF KERALA & ANR. Respondent(s)

(With office report )

Date: 21/10/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

M/S. T.T.K. Deepak & Co.,Adv.

For Respondent(s)

Mr.R.S. Athish, Adv.  
Mr. G. Prakash,Adv.

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

The appeal is dismissed in terms of the  
Signed Order.

(Rajni Mukhi) (Aruna Seth)  
P.A. Court Master  
(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1486 OF 2005

UNNI @ UNNIKRISHNAN & ANR. APPELLANTS

VERSUS

STATE OF KERALA & ANR. RESPONDENTS

O R D E R

This appeal arises out of a prosecution

initiated way back in the year 1992 against the appellants under Rule 5 of the Kerala Rationing Order, 1966 read with Sections 3 and 7 (1) (a) (ii) of the Essential Commodities Act, 1955, for having been found in the unlawful possession of 32 Kgs. of ration sugar which was proposed to be sold in the black market. The Special Court by its judgment dated 5th March, 1996 convicted the appellants for the aforesaid offences and sentenced them to undergo one year rigorous imprisonment and a fine of Rs.2,000/-, and, in default, to undergo rigorous imprisonment for 3 months. The order of Special Judge has been confirmed by the High Court in appeal. The matter is before us after grant of special leave.

The counsel for the appellants has pointed out that the proceedings had been initiated in the year 1992 and as of now the appellants had undergone about 3 months 11 days of the sentence. He has also taken us to Exhibit D1 (the proceedings of the District Collector, Ernakulam), suggesting that the sugar, which had been seized, did not belong to the appellants and that they could not be said to have committed any offence. We are unable to accept the plea with regard to the opinion of

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the District Collector as that would not bind the Court's decision after a trial. However we see from a reading of Section 7(1)(a) (ii) of the Essential Commodities Act, 1955 that the minimum sentence for a violation of a control order would be three months with a fine as well. The ends of justice would thus be met if the sentence of the appellants is reduced from two years to three months.

The appeal is dismissed with the above observations.

.....J  
(HARJIT SINGH BEDI)

.....J  
(CHANDRAMAULI KR. PRASAD)

NEW DELHI,  
OCTOBER 21, 2010.