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Cr1.A.No. 827 OF 1999

ITEM NO.108

COURT NO.11

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRIMINAL APPEAL NO. 827 OF 1999

STATE OF ORISSA

Appellant (s)

VERSUS

M.RAMA CHANDRA SAHU

Respondent(s)

(With office report)

Date: 06/10/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE C.K. THAKKER

For Appellant(s) Mr. Radha Shyam Jena,Adv.

For Respondent(s) Ms. K. Sarada Devi,Adv.

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

The appeal is dismissed in terms of the signed order.

(Neena Verma) (Vijay Aggarwal)

Court Master

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.827 OF 1999

State of Orissa

...Appellant

Versus

M. Rama Chandra Sahu

...Respondent

O R D E R

Heard learned counsel for the parties.

Though, Mr. Radha Shyam Jena, learned counsel for the appellant canvassed many important questions of law relating to the effect of publication in official gazette and whether publication amounts to notice or information and the question of 'mens rea' in the background of Section 10-C of The Essential Commodities Act, 1955 (in short the 'Act'), we do not think it necessary

to deal with those in view of the factual findings recorded by the High Court. Therefore, leaving the questions of law as raised open for consideration in an appropriate case, we decline to interfere with the order passed by the High Court. The appeal is, accordingly, dismissed.

.....J.

(ARIJIT PASAYAT)

.....J.

(C.K. THAKKER)

New Delhi,
October 06, 2004.