

Surendra Nath Jena

Vs

State of Orissa

Criminal Appeal No. 519 of 1976

(Y. V. Chandrachud, P. K. Goswami, P. N. Shinghal JJ)

01.04.1977

JUDGMENT

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 proceeding to 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 the 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.

</html