

State of Andhra Pradesh

Vs

P. Jagannadhan and Others

Criminal Appeal No. 7 of 1978

(CJI Y. V. Chandrachud, O. Chinnappa JJ)

09.11.1982

ORDER

1. The High Court has quashed a charge framed against the respondents for breach of a Control Order. Mr Ram Reddy, who appears on behalf of the appellant, the State of Andhra Pradesh, says that the amendment which was made in 1971 to Clause (7) of the Iron and Steel (Control) Order, 1956, was not brought to the notice of the High Court. Clause (7) as it originally stood, contained reference to acquisition of iron or steel in accordance with the provision of Clause (4). The amendment made in 1971 deleted reference to that clause.

2. Mr Ram Reddy may perhaps be right that if the attention of the High Court were drawn to Clause (7) as amended, it would not have quashed the charge. We are, however, of the opinion that no useful purpose is likely to be served by setting aside the judgment of the High Court and directing a trial of the accused. It appears from the complaint which was filed by the Sub-Inspector of Police before X Metropolitan Magistrate, Secunderabad on September 25, 1975 that the investigation had disclosed that the Medak Cooperative Society had become defunct due to lack of finance and lack of members. If that is so, it would be difficult at this distant date, the offence being alleged to have been committed in 1975, to collect the necessary evidence to sustain the charge against the accused. The documents which would form the crux of the evidence, the nature of alleged dealings and the intent behind them would all be matters which the long lapse of time would render difficult of clear proof. For that reason, we confirm the order passed by the High Court and dismiss this appeal.

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