

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1528 OF 2010
ARISING OUT OF SLP (CRL.) NO. 883 OF 2010**

PRAKASHAN

.....

APPELLANT

VERSUS

STATE OF KERALA

.....

RESPONDENT

O R D E R

1. Leave granted.
2. Nobody had put in appearance on behalf of respondent today when the matter was called.
3. We have heard the learned counsel for the appellant.
4. This is indeed an unfortunate case. The appellant has impugned the proceedings initiated against him under Clauses 3 and 4 of the Lubricating Oils and Greases (Processing, Supply and Distribution Regulation) Order, 1987 read with Sections 3 and 7 of the Essential Commodities Act. As per the admitted position, the case had been registered on 7th September, 1987 and the charge sheet submitted on 20th June, 1999 whereas the lubricants that had been seized had been sent for analysis on the 9th June, 2005 and the report thereof had been received on 10th June, 2008.

A period of 21 years has thus elapsed since the registration of the case.

5. In view of the delay, the continuance of proceedings would be against the interests of justice and an abuse of the process of the court. We, accordingly, allow this appeal and quash the proceedings against the appellant.

.....J
[HARJIT SINGH BEDI]

.....J
[C.K. PRASAD]

NEW DELHI
AUGUST 06, 2010.

