



Criminal Procedure Code, 1973 Section 482 - Evidence Act, 1872 Section 27 -
Expert report not produced - Mixing of petrol/diesel - Proceedings quashed.
[SupremeCourtOnline 445604]

Criminal Procedure Code, 1973 Section 482 - [evidence](#) Act, 1872 Section 27 - [expert](#) report not produced - Mixing of petrol/diesel - Proceedings quashed.

[fir](#) was registered on 14th October 2021, and a [charge sheet](#) was filed on 11th February 2022 - As of today, there is no expert's report on the nature of the liquid found in the seized tanker - The charge sheet's foundation is based on the assumption that the seized liquid is a hydrocarbon mixture resembling petrol and diesel in appearance and smell - However, the respondent did not provide an expert's report confirming the precise nature of the liquid - Despite sending samples for testing over two years ago, no report has been received - Without this report, there is no evidence to support that the liquid in the tanker was anything other than diesel or petrol - The allegation of cheating is also based on the assumption that customers were supplied with this mixture instead of petrol or diesel - Without material in the charge sheet to demonstrate the liquid's nature, no offense is established - It's now too late for the State to file a report after more than two years have passed - The respondent was notified by the Court on 27th March 2023 regarding the failure to produce the report - Despite this notice, the respondent has not made any effort to obtain the report in the last seven months - This lack of action could lead to an adverse inference being drawn against the respondent - Therefore, continuing with the prosecution would be an abuse of the legal process.

Tags: [CrPC S. 482](#), [Evidence Act S. 27](#), [Justice Abhay S. Oka](#), [Justice Pankaj Mithal](#), [Quashing - CrPC S. 482](#)