

(2020) 02 P&H CK 0028

In the Punjab And Haryana At Chandigarh

Case No : Criminal Main No. 40074 Of 2019 (O&M)

Deep Singh And Others

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 05-02-2020

Acts Referred:

Insecticides Act, 1968 — Section 3(k)(i), 17, 18, 29, 31, 33

Code Of Criminal Procedure, 1973 — Section 468, 473

Insecticides Rules, 1971 — Rule 27(5)

Citation : (2020) 02 P&H CK 0028

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : Rakesh Verma, Rashmi Attri, Avtar Singh, Sukhdev Singh

Final Decision : Disposed Of

Judgement

Sr.

No.",Action,"Time Limit

(Maximum)

,"Part A : Time Schedule for action on misbranded sample found after first analysis",

Sr.

No.",Action,"Time Limit

(Maximum)

,"Part B : Time Schedule for prosecution in case of misbranded sample after reanalysis",

1.,"After receipt of reanalysis report:-

- a) Issue of Show Cause Notice along with second analysis report.
- b) Supply of complete record by Chief Agriculture Officer (CAO) to the concerned Insecticide Inspector.",5 Working Days
- 2., "a) Receipt of reply of show cause notice (from the date of issue of notice)
- b) Apply for written consent to CAO by Insecticide Inspector after the receipt of complete records",15 Days
- 3., Re-issue of show cause notice (on need basis),3 Working Days
- 4., "a) Receipt of reply of second show cause notice (from the date of issue of notice)
- b) Letter sent for written consent by CAO to Head Office after receipt of complete case from Insecticide Inspector",15 Days
- 5., "Letter Sent to DDA (LCPP) by JDA (PP) for verification of responsible persons after receipt of complete case from CAO",7 Working Days
- 6., "Verification letter sent back to JDA (PP) by DDA (LCPP) after the receipt of letter from JDA (PP)",7 Working Days
- 7., "Issue of written consent after receipt of verification (if the case is complete)",15 Working Days
- 8., "Submission of complaint for vetting by Insecticide Inspector to district attorney after the receipt of written consent",30 Days
- 9., "Vetting by District Attorney office after the receipt of complete case",10 Working Days
- 10., "Submission of complaint in the Hon'ble court by Insecticide Inspector after vetting",10 Working Days
- ,Total Days for Prosecution,117 Days

,Total (A+B)-198 Days,

15. The Chief Secretary to examine the feasibility of having some portal on the website of department concerned where the particulars of all cases of,,

drawing of samples can be duly uploaded immediately when samples are drawn, so that the progress of the proceedings conducted thereafter",,,

including sending the sample to Analyst, receiving the report of such analysis, issuance of show-cause notice, re-analysis, sanction for prosecution etc.",,,

can be uploaded and be effectively monitored on the basis of reports generated from such software/portal. Such software can have provision of auto-,,

generation of SMS/email etc. to authorities concerned so as to remind them about the current status of such cases where time as per standard,,

procedure is running out.,,,

16. The learned State counsel has today filed status report by way of affidavit of Sh. Paramjeet Singh Virk, PPS, Assistant Inspector General of",,,

Police, Flying Squad, Vigilance Bureau, Punjab, S.A.S. Nagar, wherein it has been deposed that vigilance inquiry is being conducted in respect of the",,,

aforesaid 76 cases, in which there was inordinate delay in instituting the complaints so as to determine as to who is responsible for causing the delay in",,,

instituting the complaints beyond the prescribed period of limitation. It has been deposed therein that a period of another three months is required to,,

complete the inquiry in the matter.,,,

17. While the petition stands disposed off as far as the relief claimed by petitioners is concerned, the learned State counsel shall, however, furnish a",,,

fresh status report upon expiry of three months from today, in respect of the vigilance inquiry being conducted by Sh. Paramjeet Singh Virk, PPS",,,

Assistant Inspector General of Police, Flying Squad, Vigilance Bureau, S.A.S. Nagar, Punjab.",,,