
(2002) 02 AP CK 0027

In the Andhra Pradesh High Court

Case No : Criminal Petition No. 528 of 2002

Matha Venkateswara Rao and Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 14-02-2002

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 468, 468(2)
Seeds Act, 1966 — Section 19

Citation : (2002) 1 ALD(Cri) 592 : (2002) 1 ALT(Cri) 558 : (2002) CriLJ 2891

Hon'ble Judges : C.Y. Somayajulu, J

Bench : Single Bench

Advocate : E. Manohar and S. Leoraj, for the Appellant; Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

C.Y. Somayajulu, J.—This petition is filed to quash the proceedings in S.N.A. No. 101/2001 of the file of the Court of the judicial Additional District Munsif. Vizianagaram, registered on a complaint given by the Assistant Director of Agriculture (Regular). Addanki, alleging that on 24-6-2000 he inspected two retail shop the petitioner on 16-2-2000, and had down sample of seven varieties of paddy after following the procedure prescribed under the Seeds Act, 1966 (the Act) and sent the samples for analysis and had on 16-8-2000 received reports dated 10-8-2000 showing that the samples is not confirm to the standards prescribed and so he sought sanction from Commissioner and Director of Agriculture, Hyderabad, to prosecute the petitioners, and filed the charge-sheet on 4-4-2001 after receiving sanction from Commissioner and Director of Agriculture, Hyderabad.

2. The contention of Mr. E. Manohar, learned senior counsel for the petitioners, is that since the punishment prescribed Section 19 of the Act is fine only the prosecution is barred time because it was initiated beyond six months period prescribed by Section 468(2)(a) Cr. P.C. It is also his contention that inasmuch as

the shelf life of the paddy of which the samples were drawn was upto 2-2-2001 only because of the delayed launching of the prosecution on 4-4-2001 petitioner lost a valuable right to seek analysis by the Central Laboratory and or that reason also the prosecution is liable to be quashed.

3. Section 19 of the Act prescribes fine up to Rs. 500/- for the first offence and in cases where the same accused is found guilty of an offence under the Act for the second time, imprisonment upto six months or fine up to Rs. 1000. Since, there is nothing on record to show that any of the petitioners were convicted for an offence under the Act earlier, even if they are found guilty of the offence alleged against them in this case, the maximum punishment that can be imposed against them is fine upto Rs. 500/- each, and so as per Section 468, Cr. P.C. the limitation is six months.

4. The cause of action to initiate prosecution against the petitioners in this case arose on 16-8-2000, when the report dated 10-8-2000 of the analyst was received. So the complaint should have been filed on or before 16-2-2000. But it was filed on 4-4-2001 beyond six months after the cause of action arose. Therefore the complaint is clearly barred by time.

5. The contention that the time taken for obtaining the sanction to prosecute has to be excluded cannot be accepted because the Act does not make the sanction from a Superior Officer or Head of the Department, a condition precedent for launching prosecution, after receipt of the report of the analyst. Therefore, the question of extending the period of limitation, by adding the time taken for obtaining the sanction from the Commissioner and Director of Agriculture for launching prosecution does not arise.

6. That apart since the shelf life of the seeds whose samples were drawn was only till 2-2-2001, launching of prosecution beyond 2-2-2001 negated the valuable right of the petitioner to seek analysis by Central Laboratory, for no fault of theirs. For that reason also the prosecution is liable to be quashed.

7. For the above reasons, the petition is allowed and the proceedings in S.T.C. No. 101/2001 on the file of the Court of the Judicial Additional District Munsif, Vizianagaram, are quashed.