(1981) 08 MAD CK 0022

In the Madras High Court

Case No : Criminal Revision Case No. 81 and Criminal Revision Petition No. 80 of 1980

Trichy Market Committee, Perambalur — APPELLANT

Vs

S. Savaridoss — RESPONDENT

Date of Decision : 14-08-1981

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) — Section 313, 468, 468(1), 469

Citation : (1981) 08 MAD CK 0022

Hon'ble Judges : M.N. Moorthy, J

Bench : Single Bench

Advocate : B. Lakshminarayana Reddy, for the Appellant; R. Muthukumaraswamy, for the Respondent

Judgement

1. This is a Revision against the order of S.T.C. No. 113 of 1979 on the file of the Chief Judicial Magistrate, Trichy.

2. The Revision arises under the following circumstances : The Supervisor, Trichy Market Committee, Perambalur, laid a complaint under Sections

25(a) and (b) and 30(1) and (2) of the Tamil Nadu Agricultural Produce Market Act and By-laws framed thereunder on the allegation that the

accused is a trader dealing in cotton business at Padalur which fact came to the light of the complainant only on 20-6-1978 when he inspected the

place of the accused. Where the accused was having his business is a notified market area and he should have obtained a licence under S. 6(1) of

the Act and he has to maintain regular accounts and submit returns to the Trichy Market Committee as per the By-laws 23(6) and 25(5). While so

he failed to submit the returns to the said Committee from 1-11-1976 to 31-3-1978 which is an infringement under S. 51(A)(5) (sic) and By-laws

23(6) and 25(5).

3. P.W. 1 was the Supervisor of the Trichy Market Committee at Perambalur till 23-4-1979. According to him, the accused was running cotton,

ginning and rice mill at Padalur within the jurisdiction of Perambalur Division and was also doing cotton business. He has to obtain licence for

dealing in cotton under S. 6 of the Tamil Nadu Agricultural Produce Market Act and maintain and submit his accounts every month for his dealing

in cotton and paddy. But the accused has not maintained and submitted the accounts from 1-11-1976 to 31-3-1978 for his dealings in cotton to

the Trichy Regulated Market Committee. The fact that the accused was dealing in cotton came to the light of P.W. 1 only on 20-6-1978 when he

inspected the business premises of the accused. On 23-6-1978 he again inspected the business premises of the accused and then issued Ex. P-1

notice. In spite of this the accused has not maintained and submitted the accounts. Again another notice Ex. P-2 through a lawyer was sent to the

accused which was acknowledged by him. Even after Ex. P-2 the accused has not maintained accounts and submitted returns. Hence the Trichy

Regulated Market Committee passed a resolution on 30-1-1979 to prosecute and proceedings were initiated against him.

4. When questioned on the evidence of P.W. 1 under S. 313 Cr.P.C. the appellant denied the offence. He did not examine any witness on his

behalf.

5. Counsel for the accused argued that the complaint is barred by limitation by virtue of S. 468 Cr.P.C. The complaint against the accused is that

he is dealing in the notified agricultural produce viz. doing business in cotton within the notified area at Padalur by (sic) obtaining licence for doing

the said business from the Trichy Regulated Market Committee. As per the By-laws 23(6) and 25(5) the accused has to obtain licence and he is

bound to maintain accounts for his dealing in cotton every month, and as per the said By-laws, he has not submitted the returns from 1-11-1976 to

31-3-1978. This fact has not been in dispute. But it is contended that the action for non-obtaining of licence and non-submission of returns from 1-

11-1976 to 31-3-1978 is barred by limitation as action is not taken within six months after the offence is committed. By-law 25(5) of the. Act

states, ""That the licencee shall maintain regular accounts of all his transactions in each kind of agricultural produce in a form or forms approved by

he Secretary and shall send to the Secretary such reports and returns as may from time to time be prescribed in such forms as may be specified by

him."" The accused has to submit the returns of his dealings for the month of November, 1976, i.e. from 1-11-1976 to 30-11-1976 on 1-12-1976.

But he has not submitted his returns on 1-12-1976. So, the offence is committed on 1-12-1976.

Clause 11 of the By-law 25 states. ""that contravention of that By-law shall be punishable with fine which may extend to Rs. 50/-"". S. 468(1)

Cr.P.C. provides, ""except as otherwise provided elsewhere in this Code, no court shall take cognizance of an offence of the category specified in

sub-section (2) after the expiry of the period of limitation. Sub-section (2) provides the period of limitation shall be (a) six months if the offence is

punishable with fine only as in this case. S. 469 Cr.P.C. provides the period of limitation in relation to an offender shall commence on the date of

the offence. So, looking into the provisions of the aforesaid sections, action for the non-submission of returns must have been taken within six

months of the offence committed. This point has been taken in the tower Court and rightly upheld by the Chief Judicial Magistrate, Tiruchirapalli, It

is seen from the prosecution case that the complainant has not taken action for the non-submission of the accounts from 1-3-1978 to 31-3-1978

within six months after they became due or came to the knowledge of P.W. 1 and it is clearly barred by limitation. 6. In the result, there is no

substance in this Criminal Revision Petition and is dismissed.

6. Petition dismissed.

