
(2002) 08 P&H CK 0049

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 13324-M of 1999

Union Seed.Agency, Sardulgarh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 20-08-2002

Acts Referred:

Citation : (2002) 4 AICLR 272 : (2002) 4 RCR(Criminal) 671

Hon'ble Judges : Viney Mittal, J

Advocate : Mr. Arun Chandra, Advocate. Mr. H.P.S. Raja, AAG, Punjab.,
Advocates for appearing Parties

Judgement

Viney Mittal, J. (Oral)

1. The present petition under Section 482 Cr.P.C. has been filed for quashing the complaint registered against the petitioner under Sections 3K(1), 17, 18, 29 and 33 of the Insecticides Act, 1968 on March 11, 1996. A copy of the aforesaid complaint has been appended as Annexure P2 with the petition.

2. The petitioner is a dealer of insecticide. On October 6, 1995, an Insecticide Inspector visited his shop. A sample of the insecticide was taken, which ultimately on analysis was found to be misbranded. As per the averments made in the complaint itself, the date of manufacture of the aforesaid sample was May 1995 and the same was to expire on April 1996. On the presentation of the aforesaid complaint, the petitioner was summoned and he appeared in the court on April 18, 1996. In the meantime, the report of the chemical analysis had been received. The present petitioner filed an application before the learned trial Magistrate on April 24, 1996 requesting for reanalysis of the said insecticide from the Central Insecticide Laboratory. However, the prosecution contested the said application by stating that the sample had actually expired on April 30, 1996 and, therefore, the sample could not be sent at this stage. Accordingly, vide orders dated September 11, 1998 the learned Chief Judicial Magistrate declined the prayer made by the petitioner. However, it was observed by the learned trial Magistrate that the effect of nonsending of the sample would be seen at the time

of final arguments. A copy of the aforesaid order dated September 11, 1998 has been appended as Annexure P4 with the present petition.

3. Mr. Arun Chandra, learned counsel for the petitioner, has submitted that since a very valuable right of the petitioner for getting the sample re analysed from the Central Insecticide Laboratory has been lost because of the delay caused by the prosecution, therefore, the present complaint and the consequential proceedings are liable to be quashed. To support his submission, Mr. Arun Chandra has relied upon judgement of this Court in M/s Mahajan Pesticides etc. v. State of Punjab (Crl. Misc. No. 1413 of 1997), decided on July 12, 2002.

4. I find that the submissions of Mr. Arun Chandra are well merited and fully supported by the law laid down in the aforesaid judgment. In this view of the matter the complaint Annexure P2 and the summoning order Annexure P4 and all consequential proceedings taken thereupon are quashed against the petitioner.

5. It is made clear that quashing of the present complaint against the petitioner shall have no effect upon continuation of the proceedings against the remaining accused. Since the proceedings have remained pending in this Court for sufficiently long time, therefore, the trial Magistrate is directed to conclude the proceedings as expeditiously as possible but not later than December 31, 2003.

6. With the above observations, the petition is disposed of.