

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Criminal Revision Case Nos. 225 and 226 of 2009
and
M.P. No. 1 of 2009

V. Sundaresan ... Petitioner/Petitioner/
Accused No.3 in Crl.RC 225 of 2009

1. United Agro Chemicals
139, Sathy Road
(Opp) Bus Stand
Erode - 638 003

2. M. Thangamuthu
Proprietor
Son of Marappa Gounder
114, M.G.R. Street
Veerappan Chatram
Erode - 638 004

3. K. Sengoda Gounder
Fertilizer Dealer
Main Road, Chittar
Kesarimangalam Post
Bhavani Taluk
Erode District

... Petitioner in Crl.RC 226 of 2009
(Accused 1, 2 & 4)

Versus

G. Annadurai
Agricultural Officer
(Quality Control)

O/o. The Assistant Director of Agriculture
Bhavani - 638 301

... Respondent/Respondent/Complainant
in both the cases

Criminal Revision Cases filed under Sections 397 and 401 of the Code of Criminal Procedure praying to set aside the judgment dated 02.09.2008 respectively made in C.M.P. No. 3695 and 3694 of 2008 in C.C. No. 170 of 2008 on the file of Judicial Magistrate, Bhavani, Erode District.

For Petitioner

: Mr. V. Bharathidasan
in both the Criminal Revision Cases

For Respondent

: No appearance

COMMON ORDER

Both the Criminal Revision Cases have been filed by the accused in C.C. No. 170 of 2008 aggrieved by the common order dated 02.09.2008 passed in CrI.M.P. Nos. 3694 and 3695 of 2008 in C.C. No. 170 of 2008. By the said order, the trial Court rejected the petitions filed by them praying to send the sample of the chemical through the Court for the second time, for being examined by the Chemical Analysts and to submit a report thereof.

2. Even though notice was served on the respondent in both the cases, there is no representation for the respondent.

3. The prosecution came to be launched against the petitioners complaining that the petitioners have misbranded the insecticides manufactured by them. The respondent complained that he had collected the samples taken from the shops run by the petitioners and sent it to the chemical analysis on 10.11.2005. Upon receipt of a report from the chemical Analysis the petitioners were called upon to submit their explanation to the report of the Chemical analysts. Thereafter, the complaint was filed by the respondent on 11.09.2007 and it was returned for compliance of some defects. After complying the defects, the complaint was taken on file on 29.10.2007 and summons were sent to the petitioners on 16.02.2008. Thereafter, on 23.07.2008, the petitioners have filed the present petition for sending the sample chemicals for a second analysis report by contending that as per Section 24 (4) of The Insecticides Act, they are entitled to subject the samples to analysis and to use such report in support of the defence. The trial Court dismissed the petitions against which the present Criminal Revision Cases are filed.

4. I heard the counsel for the petitioners and perused the materials placed on record. When the Criminal Revision Cases are taken up for hearing, the learned counsel for the petitioners fairly submitted that even at the time when the petitions filed by the petitioners were dismissed by the trial Court for sending the sample chemicals for a second analysis, the shelf-life of the chemicals have been lost and therefore, no useful purpose will be served even if the order passed by the trial Court is set aside. This was also pointed out by the trial Court in the common order, which are impugned in these Criminal Revision Cases. In such circumstance, the learned counsel for the petitioners fairly submitted that a direction may be issued to the trial Court for disposal of the calander case at an early date.

5. Having regard to the above submission of the counsel for the petitioners that even at the time when the trial court dismissed the petitions filed by them to send the sample chemicals for analysis for the second time, the shelf life of the chemicals have been lost and the fact that the main calander case is pending before the trial court since 2008, these Criminal Revision Cases are dismissed confirming the common order passed by the Court below. The trial Court is directed to dispose of C.C. No. 170 of 2008 on

its file within a period of three months from the date of receipt of a copy of this order. Consequently, connected MP No. 1 of 2009 is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

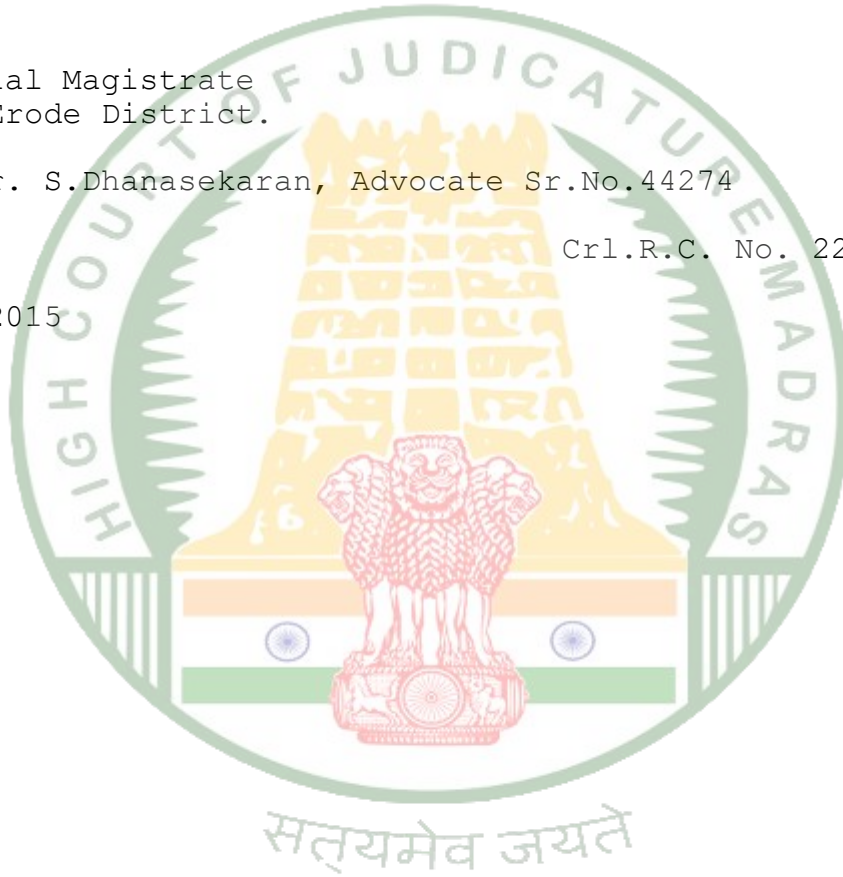
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To

The Judicial Magistrate
Bhavani, Erode District.

1 cc to Mr. S.Dhanasekaran, Advocate Sr.No.44274

Crl.R.C. No. 225 & 226 of 2009

VGI (CO)
PMK.6.10.2015



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