

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

CrI.P.No.824 of 2011

ORDER

This petition under Section 482 Cr.P.C., is filed by the petitioners seeking to quash the proceedings in C.C.No.351 of 2009 on the file of VII Additional Judicial Magistrate of First Class, Warangal District, having lodged by 1st respondent/complainant alleging provisions of Section 12 (1) and Section 7(5) of Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act, 1966 (for short “ the Act) punishable under Section 23 of the Act.

2. The allegation against the petitioner is that he was doing business in the name and style of M/s.Haroon Leathers at Warangal carrying on the business in sale and purchase of products of live stock in the notified area of Agricultural Market Committee, Warangal. For the periods

2002-2003 to 2006-2007, it appears that the petitioner/accused had not obtained any license. That apart, he has also not paid the market fee amounting to Rs.10,56,487/- at the rate of 1% on total turnover, it was assessed at Rs.10,56,48,754/-.

3. The contention of the petitioner/accused is that having obtained license in the year 2006, the petitioner had been regularly paying market fee and in proof of it, he has produced assessment of the Books of Account from competent authority, which show that in the year 2006-07 he paid market fee of Rs.20,526/-, for the year 2007-008 he paid Rs.5,810/- and for the year 2008-09 he paid market fee of Rs.36,822/-. The fact that he paid market fee for the subsequent years do not absolve the liability of the petitioner industry, insofar as the payment of market fee for the period prior thereto is concerned. Prima facie record shows that the petitioner/accused has contravened the provisions of the Act and has failed to not only obtain the license for

carrying on the business, but also failed to pay the amount towards market fee inspite of there being a specific demand. Therefore, there are absolutely no grounds to quash the proceedings.

4. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions, if any, pending in this petition shall stand closed.

M.S.K.JAISWAL, J

18-06-2015

nvl