

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.301 of 2006

JUDGMENT:

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1. This appeal is filed by the Complainant against the judgment dated 25.10.2005 passed by the Judicial Magistrate of First Class, Kurnool in STC No.3 of 2002.

2. The case of the complainant reads as follows:

One V.V. Ramanaiah-accused, Production Manager, Ankur Seeds Limited, Kurnool has obtained licence from the Market Committee, Kurnool and he has been transacting business of notified commodities of the market Committee like Cottonseeds and Jowar seeds during the year 2000-2001 and that under Section 12(1) of A.P. (Agricultural Produce & Live Stock) Market Act, 1966 and Amended Act, 1987, the accused is liable for payment of market fee dues of Rs.36,70, 469/- to the market committee on cotton seeds and jowar seeds purchases as per the purchase returns, which were submitted to the Market Committee, Kurnool. Accordingly, the Secretary issued notice dated 3.9.2001 requesting the accused to pay market fee dues of Rs.36,70,469/- to the committee and the same was served on him on 6.9.2001. But he did not pay any market fee and did not give any reply to the notice and again, the Secretary issued show cause notice on 25.9.2001 to the accused and the same was served to the accused.

But he did not pay the market fee. Thus, the accused violated the provisions of Section 12(1) of the Andhra Pradesh (Agricultural Produce and Live stock) Market Act, 1966.

3. The learned Magistrate examined the accused under Section 251 Cr.P.C. The accused he denied the offence and pleaded not guilty.

4. During the course of trial, the complainant was examined as

P.W.1 and Exs.P1 to P8 were marked on behalf of the complainant. No oral or documentary evidence was adduced on behalf of the accused.

5. On appreciation of oral and documentary evidence, the trial Court acquitted the accused. Aggrieved by the same, the complainant filed the present appeal.

6. Heard and perused the material available on record.

7. The trial Court acquitted the accused on the following grounds:

“It is an admitted case that W.P.No.13527/2004 was filed under Article 226 of the Constitution of India against the Agricultural Market Committee, Hyderabad, Medak and Kurnool Districts to declare that the hybrid seeds produced by the petitioner are not an agricultural produce within the meaning of Section 2 (1) and at any rate not a notified agricultural produce within the meaning of Section 2 (x) as it does not form part of schedule (2) of the above said Act of the Andhra Pradesh (Agricultural produce and Live Stock) Markets Act, 1966, and the same was disposed on 8.2.2005 with a direction that,

- (a) The seeds developed and manufactured by the petitioners and sold as certified or labelled seeds, are not subject to levy of market fee, and the demand notices issued therefor are set aside.
- (b) Vegetable seeds are not covered by the provisions of the A.P. (Agricultural Produce and Live stock) Markets Act, 1966 and are not subject to levy of market fee;
- (c) Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed shall be liable to be levied the market fee.

So as per the order of the High Court, the complainant is not entitled to levy or collect any market fee from the accused and hence, the accused is acquitted.”

8. Admittedly, the respondent herein is also one of the petitioners in the above writ petition and its batch. In this case, show cause notice

was issued to the accused in the month of September, 2001, which is the subject matter of the present case. In the above writ petition and its batch, the demand notices issued to the petitioners in the writ petition are set aside and this Court directed not to proceed against the petitioners therein.

9. In view of the fact that the issue involved in the present case more particularly with regard to the show cause notices issued in a case of this nature, was dealt with in the above writ petition and in view of the decision of this Court in the above writ petition, this Court is of the view that the judgment of the trial Court does not warrant any interference.

10. Accordingly, the Criminal Petition is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Dated: 4th August, 2016

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THE HONOURABLE SRI JUSTICE RAJA ELANGO

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