

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2017

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.A.Nos.584 to 586 of 2012

The Supervisor
Regulated Market
Tiruvapur Market Committee
Mannargudi
Thanjore District.

...Appellant
(in all Crl.Appeals)

Vs.

A.Asraf Ali
S/o.Abdul Salam
Salem Departmental Store
Dealer in Blackgram, Greengram and Chillies
Main Road, Needamangalam
Thiruvapur District.

..Respondent
(in all Crl.Appeals)

Criminal Appeal Nos. 584 to 586 of 2012 filed under Section 378 of the Code of Criminal Procedure Code, to set aside the judgment passed in S.T.C.Nos.74/2011, 75/2011 and 76/2011 respectively dated 12.12.2011 by the learned District Munsif cum Judicial Magistrate, Needamangalam, Thiruvapur District and thereby acquitting the accused under Section 255(1) Cr.P.C.

For Appellant : Mr.V.Jayaprakash Narayanan
(in all Crl.Appeals)

COMMON JUDGMENT

The appellant / accused in all these three appeals are one and the same and hence, common order is passed in all the three appeals.

2. Suffice it to say that the Appellant viz., Supervisor,

Regulated Market, Thiruvavur Market Committee, initiated three prosecutions in STC.Nos.74/2011, 75/2011 and 76/2011, against the accused for various offences under the provisions of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987, in which the trial Court has acquitted the accused in all the three prosecutions, challenging which, the Appellant has filed the present appeals against the acquittal.

3. Heard Mrs.V.Jayaprakash Narayanan, learned counsel appearing for the appellant.

4. In the opinion of this Court, these three appeals require to be dismissed on the short ground that the complainant was not duly authorized by the Director of Agricultural Marketing to file the complaint as required under Section 58(2) of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987. This issue has been gone into by this Court in **Superintendent, Regulated Market Committee, Cuddalore Market Committee, Chidambaram vs. S.V.S.Chidambaram Nadar & Company, (2013 2 L.W. (Crl) 192)**, wherein this Court has held as follows:

"7. It has been already held by the Hon'ble Mr.Justice S.Nagamuthu in Crl.O.P.Nos.4509 to 4514 of 2012 that the authorisation given by the Commissioner of Agricultural Marketing to a person for filing complaint is not valid as per

Section 58(2) of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987. As per the mandatory requirement of the said Section, only the Director of Agricultural Marketing should authorise a person to file the complaint. It is observed that "it may be true that on the administrative side, when a senior officer is appointed, he is called only as a Commissioner. But the Director of Agricultural Marketing is a statutory post and when the statute mandates that a special authorisation is to be given only by the Director, it cannot be given by any body else".

8. In this case, admittedly the permission to file the complaint was not granted by the Director of Agricultural Marketing, but only by the Commissioner of Agricultural Marketing.

9. Hence, it is held that the complaint filed by the Superintendent, Regulated Market Committee, Cuddalore, without any permission from the Director is not maintainable. Hence, this Criminal Appeal is dismissed."

5. In these cases also, the same legal infirmity obtains. In the result, all the three appeals are dismissed.

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Speaking / Non-speaking

Internet : Yes / No

Index : Yes / No

P.N.PRAKASH, J.

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To

1. The learned District Munsif cum Judicial Magistrate,
Needamangalam, Thiruvarur District.
2. The Section Officer
V.R. Section, High Court, Madras.



Crl.A.Nos.584 to 586 of 2012

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