

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.R.C.No.922 of 2013

and

M.P. No. 1 of 2013.

1.M/s.Ajeeth Seeds Ltd,
rep. by its Manager
R.S.Shivakumar,
No.187, Raja Annamalai Road,
Saibaba Colony Post,
Coimatore - 641 011.

2.R.S.Shivakumar,
Manager,
M/s.Ajeeth Seeds Ltd,
No.187, Raja Annamalai Road,
Saibaba Colony Post,
Coimatore - 641 011.

... Petitioners

vs

The State
rep. by Seed Inspector,
Coimatore - I
1424-A, Thandagam Road,
Coimatore 641013

...Respondent

Criminal Revision Case filed under section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 31.12.2012 on the file of the learned Judicial Magistrate No.VII, Coimatore in C.M.P.No.2149 of 2009 in C.C.No.553 of 2007.

For Petitioners : Mr.N.E.A.Dinesh
for Ms.V. Nicholas
For Respondent : Mr.V.Arul
Additional Government Pleader

This appeal is filed, challenging the order, dismissing the petitioners' application to discharge the charges. According to the petitioners, they stood charged for the offence under Section 8(A) of the Seed Control Order,1983 and they are liable

for punishment under Section 7(1)(a)(ii) of the Essential Commodities Act,1955.

2. The learned counsel appearing for the petitioners would contend that as per the amendment of the Essential Commodities Act, the Court itself does not come under the purview of the Essential Commodities Act. Hence, the petitioners cannot be charged for the offence under Section 7(1)(a)(ii) of the Essential Commodities Act,1955.

3. Per contra, the learned Additional Government Pleader submitted that the amendment came into force on 24.12.2006, but whereas the offence has been committed on 13.09.2006, well before the amendment came into force. Hence, the petitioners cannot be charged on that ground also.

4. I have considered the rival submissions and perused the materials available on record.

5. As rightly contended by the learned Additional Government Pleader the petitioners have committed the offence before the amendment came into force. Hence, the petitioners cannot be discharged on that ground. The trial Court rightly considered the entire materials and dismissed the application. Therefore, I do not find any illegality or irregularity in the order passed by the court below.

6. In the result, the criminal revision case is dismissed of. Since the matter is pending before the Court below from 2007, the trial Court is directed to proceed with the trial and dispose of the same within a period of six months from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rrg

To

1 The Judicial Magistrate No.VII,
Coimbatore

2.The Seed Inspector,Coimbatore - I
1424-A, Thandagam Road,Coimbatore - 641 013.

3.The Public Prosecutor,
High Court, Madras.

copy to
The Section Officer
Criminal Section, High Court, Madras.

+1 Cc to Mr.V. Nicholas, Advocate sr 72575.

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KJI (CO)
SP(04/12/2017)



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