

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.525 OF 2006

JUDGMENT:

The present Criminal Revision Case under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is preferred by the complainant - Agricultural Market Committee, Kurnool, represented by its Supervisor G. Valisaheb, challenging the order dated 06.12.2005 in Criminal M.P. No.3517 of 2005 in S.T.C. No.27 of 2003 passed by the learned Judicial Magistrate of First Class, Kurnool, whereby and whereunder, relying on the common order passed in W.P. No.13963 of 2004 dated 08.02.2005, held that respondent No.1 herein is not liable to pay any market fee to the revision petitioner.

2. There is no representation for the revision petitioner despite adjourning the matter to afford a chance of hearing for number of times, but there has been no effort at all by the revision petitioner to get the arguments tendered by the learned standing counsel. Therefore, the present revision case, which is filed in the year 2006 has been taken up for disposal.

3. Heard Sri Raghunath, learned counsel for respondent No.1, and perused the material on record.

4. Though, averred in the grounds of appeal that respondent No.1 is not a manufacturer and doing business in cotton which is agricultural produce, and, therefore, he cannot be exempted to pay market fee under Section 12(1) of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (for short 'the Act'), certain other contentions were also raised.

5. The offence clutched against respondent No.1 is punishable under Section 23 of the Act. A perusal of the order passed by the learned Magistrate would clearly show that he is entirely relying on a common order passed by a learned single Judge of this Court in W.P. No.13963 of 2004 and batch dated 08.02.2005 and thereby allowed the discharge petition holding that the notices issued by the revision petitioner levying market fee are liable to be set aside and thus, allowed the discharge petition.

6. The relief sought for in the W.P. No.13527 of 2004 and batch, in which W.P. No.13963 of 2004 is also one, reads thus:

“In this batch of writ petitions, a common question, namely, whether market fee, under the Andhra Pradesh (Agricultural Produce & Livestock) Market Act, 1966 (for short 'the Markets Act') is leviable on the seeds, manufactured by the petitioners, arises for consideration.”

The conclusions recorded in paragraph No.20 reads thus:

“20. For the foregoing reasons, the writ petitions are ordered, with the following directions:

- a. Seeds developed and manufactured by the petitioners and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notices issued therefore are set aside.
- b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) 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. For this purpose, the Executive Heads of the Market Committees, shall be entitled to require the Seed Manufacturers, operating within the notified area to furnish the relevant particulars and take consequential steps.”

7. When the revision petitioner would aver that respondent No.1 is not a manufacturer, he ought to have filed some proof to substantiate that stand, but nothing is forthcoming. In fact, the very relief claimed shows that the revision petitioners in the batch case are manufacturers and produce seeds and, therefore, it is difficult to hold otherwise and the order passed by the learned Magistrate cannot be faulted. It is not known whether the said order in the batch of writ

petitions was carried to the Hon'ble Supreme Court aggrieved over the same by the revision petitioner and, if so, what is the result. Thus, there is no merit in the present revision.

8. Therefore, the Criminal Revision Case is dismissed confirming the order under challenge in terms of the common order dated 08.02.2005 in W.P. No.13527 of 2004.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present revision stand closed.

November 21, 2017.

PV

A. SHANKAR NARAYANA, J

