

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.2206 OF 2017

ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed requesting to quash the proceedings in C.C.No.130 of 2016 on the file of Judicial Magistrate of First Class, Mahabubnagar.

2. The petitioners are arraigned as accused Nos.1 and 2 in the aforesaid Calendar Case. They alleged to have committed the offences punishable under Section 420 I.P.C. and Section 19 read with 7 of A.P. Seeds Act.

3. Heard Sri A. Prabhakar Rao, learned counsel for the petitioners, and learned Additional Public Prosecutor for the State of Telangana.

4. Learned counsel for the petitioners would mainly submit that Section 420 I.P.C. would not attract. The second submission is that no case is made out under Section 19 read with 7 of the Seeds Act, 1966 (a legislation made by the Central Government). Learned counsel would also submit that the petitioners, while taking seed packets in an Autorickshaw at Devarakadra Mandal, Mahabubnagar District, they were intercepted and taken by the Sub-Inspector of Police, Devarakadra Police Station, and the seed packets, which were found in possession of petitioners - accused Nos.1 and 2, were not meant for

sale and they are only samples used for publicity, and even according to the police, they were even publicising at the relevant time in Devarakadra Mandal. Learned counsel would also submit that the analyst report also would show that the samples drawn would conform to the standards (minimum of 75%) and hence, requests to quash the proceedings in the aforesaid Calendar Case.

5. Learned counsel for the petitioners has also drawn the attention of this Court to the licence issued to M/s. Ajeet Seeds Limited, in which, one of the petitioners was working and the other being the driver of the Autorickshaw. In fact, Form - "C" licence is finding place at page No.13 of the material papers, which shows that the licensee shall carry on business at 'M/s. Ajeet Seeds Limited, Block No.204, D.No.3-6-327, Hyderguda, Hyderabad - 500 029', and so far as storage of seeds is concerned, the address is shown as 'M/s. Ajeet Seeds Limited, Shutter No.3, Plot No.13, Block No.10, Autonagar, Hyderabad – 500 070', and concerning processing, packing and storage, the address is shown as 'M/s. Ajeet Seeds Limited, D.No.28/5C, Godown Nos.1,3,4,5,6, and 7, K.C. Road, Noonepalli, Nandyal, Kurnool District'. According to the learned counsel, it is only publicity that is being made about the Seeds and, in fact, the petitioners were not selling the seeds, as such.

6. Learned Additional Public Prosecutor for the State of Telangana would oppose the request stating that, in fact, the seeds

were being sold to the intended purchasers and it is not just publicising about the seeds.

7. The submissions made by the learned counsel for petitioners relate to factual aspects, which have to be gone into during trial, when the witnesses step in to the witness box and give evidence as to whether the petitioners were found only publicising or indulged in publicity of the seeds at Devarakadra Mandal, Mahabubnagar District, or whether they were also selling the seeds in packets without bills, at the relevant time. Therefore, the request of the petitioners cannot be acceded to.

8. Hence, the present Criminal Petition is dismissed leaving it open to the petitioners to agitate their defence during trial. However, they are also at liberty, in case, they so choose, to resort to other options left to them under the Code.

9. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 20, 2017.
MD