

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8179 of 2011

ORDER:

The criminal petition is filed by the petitioner seeking for quash of the proceedings in CC.No.136 of 2011 on the file of the I Additional Judicial First Class Magistrate, Kadapa.

2. Heard counsel for the petitioner and the learned Public Prosecutor, who takes notice for R1 and R2.

3. The counsel for the petitioner puts forth certain dates, which are relevant for deciding this petition. According to him, 19.08.2010 is the date of sample and they were sent to FSL on the same day and report was received on 16.09.2010 but the complaint was filed not before 11.03.2011. The counsel contends that the limitation for filing the complaint is only six months and hence, the proceedings have to be quashed on that count also. He relies on a decision of this Court in VARUN AGRITECH v. ASST. DIRECTOR, AGRICULTURE, GUDIVADA<sup>1</sup> wherein the court observed that the complaint having been filed beyond six months from the date of lifting is beyond limitation and thereby quashed the proceedings. The counsel also puts forth another submission that his right under Section 16(2) of the Seeds Act, 1966 is also defeated, the right being to send a sample for second analysis.

4. This Court in CRLP.No.8407 of 2012 dated 25.11.2014 by considering the similar submissions and by taking into consideration

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<sup>1</sup> 2007 (1) ALD (CRL.) 955 (AP)

the inordinate delay, not only in issuing notice, but also in launching prosecution against the accused, quashed the further proceedings.

Hence, following the aforesaid order and in terms thereof, the criminal petition is allowed and the further proceedings in CC.No.136 of 2011 on the file of the I Additional Judicial First Class Magistrate, Kadapa are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 14, 2017  
DSK

T. RAJANI, J

