

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.20381 of 2018 and
Crl.M.P.Nos.10926 & 10927 of 2018

M/s.Indian Farmers Fertilizer Co-operative Ltd.

Represented by

Mr.P.Mathiyalagan,

State Marketing Manager,

128, Habibulla Road,

T.Nagar, Chennai - 600 017.

... Petitioner

Vs

The Agricultural Officer,

O/o. Assistant Director of Agriculture,

Block Agricultural Extension Centre,

Pollachi North Block, Meenkarai Road,

Pollachi, Coimbatore - 642 001.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the complaint in C.C. No.701 of 2018 on the file of the Court of Judicial Magistrate No.II, Pollachi and quash the same, as far as the petitioner is concerned.

For Petitioner : Mr.Kumar for
M/s.Rohan Rajasekaran

O R D E R

The petitioner is facing a prosecution in C.C. No.701 of 2018 before the Judicial Magistrate No.II, Pollachi, for the offence under Section 3 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, for quashing which, they are before this Court.

2. Heard Mr.Kumar, the learned counsel for the petitioner who submitted that the sampling of the commodities was not done in accordance with law and that there was no independent witness at the time of drawal of samples.

3. In the opinion of this Court, these are disputed questions of law, which cannot be gone into in a petition under Section 482 Cr.P.C. From the copy of the complaint submitted along with this quash application, it is seen that the complaint

has been lodged only against Indian Farmers Fertilizer Co-operative Ltd. (A1) and Tamil Nadu Agroservice Centre (A2), which are juristic persons and not natural persons. A juristic person can be prosecuted in a criminal case, but cannot be sentenced to imprisonment and can only be fined, vide judgment in the case of STANDARD CHARTERED BANK AND OTHERS vs.DIRECTORATE OF ENFORCEMENT AND OTHERS [AIR (2005) SC 2622].

4. Recording the same, this petition is dismissed with liberty to the petitioner to raise all the points before the trial Court after charges are framed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

kal/mkn

To

1. The Agricultural Officer,
O/o. Assistant Director of Agriculture,
Block Agricultural Extension Centre,
Pollachi North Block, Meenkarai Road,
Pollachi, Coimbatore - 642 001.
2. The Judicial Magistrate No.II,
Pollachi.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to M/s.Rohan Rajasekaran, Advocate sr 57853.

सत्यमेव जयते

Cr1.O.P.No.20381 of 2018

AD(CO)
SP(17/09/2018)

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