

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.13607 OF 2011

ORDER:

The present Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 is filed by the petitioner - accused No.2 seeking to quash the proceedings in Calendar Case No.1287 of 2010, pending on the file of the Judicial Magistrate of First Class, Anantapur, registered for the offence punishable under Section 7 (b) read with Section 19 of Seed Act, 1966 (for short 'Act 1966') and sub-clause (c) of Clause 13 of Seed Control Order 1983.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondent.

3. The learned counsel for the petitioner submits that on 01.07.2008, the Mandal Agricultural Officer and Seed Inspector of Garladinne, Anantapur District, inspected the premises of Primary Agricultural Co-operative Society Limited, which is Dealer Shop of accused No.1, and took samples of the groundnut seeds. The groundnut seeds were sent for analysis and report was received on 02.08.2008 stating that the sample was substandard with a germination of seeds of 42% as against 70%. Summons to the petitioner were issued on 02.08.2011.

i) He also submits that the offence punishable under Section 7 (b) read with 19 of the Act, 1966 prescribes only punishment of fine to an

extent of Rs.500/- if the offence is committed for the first offence and that limitation for taking cognizance of a case is only six months. In this case, it can be seen that permission even to launch prosecution is dated 16.03.2009. A copy of the order permitting the prosecution is also filed. The said facts are not disputed by the learned Public Prosecutor.

4. Hence, considering the above, the present Criminal Petition is allowed and all the proceedings in Calendar Case No.1287 of 2010, pending on the file of the Judicial Magistrate of First Class, Anantapur, against the petitioner - accused No.2 are hereby quashed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

November 14, 2018
Mgr



SMT. T. RAJANI, J