

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5562 of 2012

ORDER:

This petition is filed, by the petitioners/A1 to A3, seeking for quash of the proceedings against them in STC No.19 of 2012 on the file of the Court of III Metropolitan Magistrate, Cyberabad at L.B. Nagar. The offences alleged are under Sections 8, 22, 25, 26 and 30 of the Legal Metrology Act, 2009 (for short, "the Act").

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

3. The allegation against the petitioners is that when the weigh bridge indicator, which was allegedly in their possession, was examined, it was noticed that the indicator was not as per the model approval.

4. The contention of the counsel for the petitioners that there is a certificate approving the model, does not help the petitioners in succeeding, in this petition, as the allegation is that the indicator is not as per the model approval and it is not that they did not have certificate approving the model. Section 8(3) of the Act reads as follows:

"Section 8(3):- No weight, measure or numeral, other than the standard weight, measure or numeral, shall be used as a standard weight, measure or numeral."

5. Hence, it becomes a question of fact as to whether the indicator was as per the model approved or not. The petitioners are also alleged to have committed the offence punishable under Section 25 of the Act. The certificate issued does not help in disproving the allegations made in the complaint.

6. In view of the above, this court opines that this is not a fit case for quashing the proceedings against the petitioners.

7. With the above observations, the Criminal Petition is dismissed. Interim stay granted by this court on 25.07.2017 in CrI.P.M.P.No.5446 of 2012, shall stand vacated.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

September 20, 2018
LMV

T. RAJANI, J

