

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.9892 OF 2011

ORDER:

1. This Criminal Petition, under Section 482 of Cr.P.C., is filed by the Petitioner/A-2 seeking to quash the proceedings in C.C. No.697 of 2007 (Old C.C. No.2276 of 2000), pending on the file of the Court of I Additional Chief Metropolitan Magistrate, Visakhapatnam (for short, 'the trial Court'), registered for the offence punishable under Section 29(1)(a) R/w. Section 3(k)(i)(viii) of the Insecticides Act, 1968 (for short, 'the Act').

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor, appearing for the respondents 1 and 2.

3. The complaint shows that the inspection on the shop of the petitioner was conducted on 14.09.1995 and the samples, which were drawn, were sent to the analyst on 16.09.1995 and the analyst report was received on 02.11.1995. Thereafter, there was a protest from accused No.1 against the report and the second sample was sent to the Central Insecticides Laboratory, Faredabad, Haryana, on 10.01.1996, and the report was received on 20.02.1996 saying that the shelf life of the sample expired. The complaint was filed on 19.11.1999.

4. The main submission of learned counsel for the petitioner is that the complaint is filed beyond the period of limitation. Learned counsel, in support of his submission, reads out Sections 468 and 469 of Cr.P.C. to contend that the limitation for filing the complaint expired, long prior to the date of filing the complaint, in the instant case.

5. Section 468 of Cr.P.C. prescribes that three years is the limitation period for the offences punishable with imprisonment exceeding one year

but not exceeding three years. The punishment prescribed for the aforesaid offence is two years. Whereas, Section 469 Cr.P.C. speaks about the commencement of the period of the limitation; under clause (a) thereof, it is the date of the offence and under clause (b) it is the date on which the knowledge to the person aggrieved regarding the offence is gained.

6. In this case, the date of offence can be construed as 02.11.1995, as the report is received on that date. Hence, calculated from that day also, the complaint stands to be filed beyond the period of limitation. Hence, this Court opines that further proceedings against the petitioner cannot be sustained.

7. Accordingly, with the above observation, the Criminal Petition is allowed and all further proceedings against the Petitioner/A-2 in C.C. No.697 of 2007 (Old C.C. No.2276 of 2000), pending on the file of the Court of I Additional Chief Metropolitan Magistrate, Visakhapatnam, are hereby quashed.

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

T. RAJANI, J

Date: 25.10.2018.
Dsh

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Date. 25.10.2018

DSH