

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

Crl. Misc. No.M-14132 of 2018 (O&M)  
Date of Decision: 29.05.2018

M/s Modi Agro Products and others ...Petitioners  
Versus

State of Punjab and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. J.K.Singla, Advocate, for the petitioners.  
Mr. J.S. Walia, Sr. DAG, Punjab

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**Amol Rattan Singh, J. (Oral)**

Pursuant to the order dated May 07, 2018, the report of the learned Sub-Divisional Judicial Magistrate, Phul, has been received, stating therein that the application filed under Section 473 Cr.P.C. is still pending disposal, as counsel for the accused sought time to file a reply thereto.

Thus, even though the petitioners have approached this Court by way of the present petition more than 2 years after the order dated March 30, 2016 was passed by the learned trial court, directing the complaint filed by the respondent-State of Punjab through its Insecticide Inspector, to be registered, however, the said complaint itself is seen to have been filed on 25.03.2016, which is well beyond three years from the date that even the report of the Chemical Analyst was received by the complainant, i.e. 10.10.2012, a copy of which has been annexed as Annexure P-1 with the petition.

As per Section 29 of the Insecticides Act, 1968, the maximum

punishment for the commission of an offence for the first time under the provision of the Act is 2 years (as also a fine) and for a subsequent offence the maximum punishment is 3 years plus a fine.

Consequently, in terms of Section 468 of the Code of Criminal Procedure, 1973, a complaint must be filed within 3 years of the cause of action arises.

That being so, prima facie at least, it would be seen that the complaint was filed beyond limitation in terms of Sections 468 and 469 of the Code of Criminal Procedure, 1973, therefore necessitating the filing of an application under Section 473 of the Code by the complainant, without deciding which the complaint was ordered to be registered by the trial court.

However, no final opinion on limitation is expressed by this Court, in view of the said application shown to be still pending.

Consequently, this petition is allowed to the extent that the impugned order, Annexure P-7, dated 30.03.2016, passed by the learned Sub-Divisional Judicial Magistrate, Phul (trial court), directing the complaint to be registered, is set aside.

That court would now proceed from the stage of adjudication to be made on the application filed under Section 473 Cr.P.C.

29.05.2018  
vcgarg

**(Amol Rattan Singh)**  
Judge

Whether speaking/reasoned: Yes  
Whether reportable: Yes