

HONOURABLE SRI JUSTICE P. KESHA VA RAO

CRIMINAL PETITION No.2238 of 2020

ORDER:

Heard learned counsel for the petitioner as well as learned Public Prosecutor.

2. The present criminal petition is filed aggrieved by the orders passed in CrI.R.P.No.20 of 2019, dated 24.12.2019, on the file of the II Additional District and Sessions Judge (FTC) at Mancherial.

3. The petitioner filed this criminal petition challenging the conditions imposed by both the Courts below for release of 14,390 litres of weedicide called Glyphosate 41% SL and Glyphosate 54% under brand name of Hijack and Jijack Super seized by the Police Mandamarri in Crime No.127 of 2019.

4. Learned counsel for the petitioner submits that the petitioner is a go-down in-charge of Insecticide India Limited, Hyderabad. After registering the case, S.I. of Police, Mandamarri along with staff and mediators had rushed to the Plot No.21 of Block No.35 of Autonagar in Hyderabad. In the presence of mediators, the go-down premises of the petitioner in CrI.M.P.No.2100 of 2019, were inspected and found 1439 cotton boxes of Hijak and Hijak Super Glyphosate worth Rs.68,14,500/- at the rate of Rs.5,500/- per box and 200 cotton boxes of Jijak and Jijak Super worth Rs.8,00,000/- at the rate of Rs.4,000/- box total worth Rs.76,14,500/- were seized. The learned II Additional Judicial Magistrate of First Class, Mancherial, ordered the petition by imposing the following conditions:

10 (b)(i). The petitioner shall execute a personal bond of Rs.76,15,000/- with one surety for the like sum.

(ii). The petitioner shall also execute the indemnity bond to this effect.

(iii) The petitioner shall under take to produce the seized article as and when directed by this court.

(iv) The petitioner shall also undertake would comply and follow the direction of Telangana Government agriculture department issued vide G.O.Rt.No.273, dated 26.07.2019 with regard to restrictions imposed on using a Glyphosate.

5. Aggrieved by the said order, the petitioner filed Crl.R.P.No.20 of 2019 before the II Additional District and Sessions Judge (FTC) at Mancherial. The learned Sessions Judge, while allowing the said petition in part, suspended the condition in impugned order at para No.10(b)(iii) i.e., 'the petitioner shall undertake to produce the seized article as and when directed by the trial court'.

6. Having heard both the counsel and from the perusal of the material on record, condition No.10(b)(i) and (ii) in Crl.M.P.No.2100 of 2019 that the petitioner shall execute a personal bond of Rs.76,15,000/- with one surety for the like sum and shall also execute indemnity bond to that effect are modified to the effect that the petitioner shall furnish third party security for a sum of Rs.76,15,000/- (Rupees seventy six lakhs fifteen thousand only).

7. With the above said modification, the criminal petition is disposed of.

Miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE P. KESHAVA RAO

Date: 22.06.2020
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