

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**WEDNESDAY, THE TWENTY FIRST DAY OF DECEMBER  
TWO THOUSAND AND TWENTY TWO**

**PRESENT**

**THE HONOURABLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION NO: 181 OF 2022**

**Between:**

Chandra Shekar Erra @ Shekar, S/o. Prabhakar, Age. 40 years, Occ. Business,  
R/o.Ponkal Village, Jannaram mandal, Mancherla District. T.S.

**...PETITIONER/ACCUSED No.3**

**AND**

1. The State of Telangana, Rep. by Public Prosecutor, High court of Judicature at Hyderabad.
2. The SHO, Jannaram Police Station, Mancherla District. T.S.
3. Panaganti Sangitha, W/o. Srikanth, Age. 28 yrs, Occ. Mandal Agriculture Officer of Jannaram Mandal, Mancherla District, T.S.

**...RESPONDENTS**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash all the proceedings against the Petitioner / accused No.3 in C.C.No.799 of 2021 on the file of the Learned Judicial First Class Magistrate at Adilabad, Adilabad District for the offences under Section 420 IPC and Section 19 of the Seeds Act, 1966, arose out of Crime.No. 107 of 2021, dt 29-06-2021, issued by the SHO Jannaram P.S., Mancherla District

**I.A. NO: 1 OF 2022**

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased To stay all the proceedings against the Petitioner / accused No.3 in C.C.No.799 of 2021 on the file of the Learned Judicial First Class Magistrate at Adilabad, Adilabad District for the offences under Section 420 IPC and Section 19 of the Seeds Act, 1966, arose out of Crime.No. 107 of 2021, dt 29-06-2021, issued by the SHO Jannaram P.S., Mancherla District, pending disposal of the quash petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri MR BOGGULA RAJU ,Advocate for the Petitioner and the Additional Public Prosecutor on behalf of the Respondent No.1 & 2 an None Appeared for the Respondent No.3

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.181 OF 2022****ORDER:**

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner-Accused No.3 seeking to quash the proceedings against him in C.C.No.799 of 2021 on the file of Judicial First Class Magistrate at Adilabad, Adilabad District, registered for the offences punishable under Section 420 of Indian Penal Code (for short "IPC") and Section 19 of Seeds Act, 1966.

2. Heard the learned counsel for the petitioner – Accused No.3 and Additional Public Prosecutor for the State - respondent. Perused the record.
3. The petitioner – Accused No.3 is questioning his implication in the charge sheet filed for the aforesaid offences.
4. It is the case of the prosecution that on 29.06.2021, Accused No.1 was apprehended while he was in possession of spurious cotton seeds and seized 35 packets of Pavani Spurious Cotton Seeds under the cover of panchanama. Thereafter, it is alleged that

Accused No.1 confessed regarding the involvement of Accused No.2 and this petitioner-Accused No.3 getting the seeds from Maharashtra State for the purpose of selling it to the farmers. The said seeds were seized and sent for analysis. The Seeds Analyst from the Seed Testing Laboratory, Rajendranagar, Hyderabad, furnished a report stating that the seeds are "spurious cotton seeds".

5. Learned counsel for the petitioner – Accused No.3 would submit that in case of this petitioner – Accused No.3, there is no seizure of any spurious seeds from his possession and he is implicated only on the basis of the confession made by Accused No.1 before the Police. Any confession made by accused in the presence of Police is hit under Section 24 to 27 of Indian Evidence Act and the said confession cannot be made basis to prosecute this petitioner.

6. Sections 420 of IPC and 19 of Seeds Act, 1966 are extracted hereunder.

420. Cheating and dishonestly inducing delivery of property.—  
Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with

imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

19. Penalty.—If any person—

(a) contravenes any provision of this Act or any rule made thereunder; or

(b) prevents a Seed Inspector from taking sample under this Act; or

(c) prevents a Seed Inspector from exercising any other power conferred on him by or under this Act, he shall, on conviction, be punishable—

(i) for the first offence with fine which may extend to five hundred rupees, and

(ii) in the event of such person having been previously convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

7. The charge sheet is filed against the Accused for the offence of cheating. The ingredients of cheating are that a false statement or misrepresentation has to be made known to be false. On the said misrepresentation, a person must have been induced, pursuant to which there should be delivery of property. Such acts of deceit are not stated as far as this petitioner is concerned.

8. To attract an offence under Section 19 of Seeds Act, 1966, one must have been in the possession of seeds which are spurious in nature. Since there is no recovery from this petitioner and the reason for his implication is the confession which is made by

Accused No.1, the proceedings against this petitioner – Accused No.3 are liable to be quashed.

9. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner – Accused No.3 in C.C.No.799 of 2021 on the file of Judicial First Class Magistrate at Adilabad, Adilabad District, are hereby quashed.

Miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K.AMMAJI  
ASSISTANT REGISTRAR

27/1/23  
SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Adilabad, Adilabad District.
2. The Station House Officer, Jannaram Police Station, Mancherial District.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. MR BOGGULA RAJU, Advocate [OPUC]
5. Two CD Copies.

PR

BSR

HIGH COURT

DATED:21/12/2022

ORDER

CRLP.No.181 of 2022



THE CRIMINAL PETITION IS ALLOWED.

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11/01/23  
BSR