

HIGH COURT FOR THE STATE OF TELANGANA

TUESDAY, THE TWENTY SIXTH DAY OF JULY

TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 5723 OF 2022

Between:

1. Dwaraka Seeds Pvt Ltd., represented by its Managing Director, Malapati Venkata Shiva Reddy alias Shiva Reddy alias Shiva S/o. Narayana Reddy, Age. 40 Years, R/o. Plot. No. 41, SF Colony, Vanasthalipuram, Saroor Nagar Mandal, Ranga Reddy District.

...PETITIONER/ACCUSED(S)

AND

1. The State of Telangana, through S.H.O., P.S. Chinthalapalem, Suryapet District, represented by Public Prosecutor, High Court at Hyderabad

...RESPONDENT/COMPLAINANTS

Petition under Section 437/438/439/482 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 the Docket Order dated 17/05/2022 in Crime No. 59 of 2021 of P.S. Chinthalapalem, on the file of Honourable Judicial Magistrate of First Class at Huzurnagar, thereby release the stocks of 349.84 Kgs of Chilli Seeds, in favour of the petitioner and to pass

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 implead the respondent No. 2/Defacto-Complainant, herein as the respondent No. 2, in the Criminal Petition, and to pass

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K VENUMADHAV, Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondent No. and of Sri Advocate for the Respondent No.

The Court made the following: ORDER

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.5723 OF 2022

ORDER.

Challenge in this criminal petition is the order dated 17.05.2022 that is rendered by the Court of Judicial Magistrate of First Class, Huzurnagar, in Crime No.59 of 2021 of Chinthalapalem Police Station.

2. Heard the submission of learned counsel for the petitioner as well as learned Assistant Public Prosecutor.

3. Learned counsel for the petitioner submits that the petitioner, who is arrayed as accused in Crime No.59 of 2021 of Chinthalapalem Police Station, moved an application for release of Mirchi seeds in his favour, but the Court below rejected the said application with a direction to file before the appropriate authority and aggrieved by that, the petitioner filed the present criminal petition seeking to set aside that order.

4. The impugned order reads as under:-

"Both the counsel and Learned APP present. Learned APP report that the Court got no jurisdiction to entertain the petition. The appropriate authority, who has the requisite knowledge of the subject matter i.e., "agriculture seeds". Hence, the petition is rejected with a

direction to the counsel for the petition to file before appropriate authority."

The above order indicates that as the appropriate authority has got requisite knowledge of the subject matter, the petition has to be filed before the appropriate authority. Nowhere it is indicated that the Court below has no jurisdiction to deal with the matter or that the alleged appropriate authority is alone entitled to entertain the petition filed for release of seeds. Thus the impugned order is unsustainable in law.

5. Therefore, the Criminal Petition is allowed and the order dated 17.05.2022 rendered by the Court of Judicial Magistrate of First Class, Huzurnagar, in Crime No.59 of 2021 of Chinthalapalem Police Station, is set aside. The Court of Judicial Magistrate of First Class, Huzurnagar, is directed to deal with the application afresh and pass a reasoned order after hearing both sides. In case, on such hearing, the Court concludes that it has no jurisdiction, the Court is at liberty to indicate the same. The Court is specifically directed to dispose of the application within two weeks from the date of receipt of a copy of this order.

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

SD/-P.PADMANABHA REEDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The State of Telangana, through S.H.O., P.S. Chinthalapalem, Suryapet District, represented by Public Prosecutor, High Court at Hyderabad
2. One CC to SRI. K VENUMADHAV Advocate [OPUC]
3. One CC to SRI. PUBLIC PROSECUTOR (TG) Advocate [OPUC]
4. **Two CD Copies**
5. One Spare Copy



HIGH COURT

DATED:26/07/2022



ORDER

CRLP.No.5723 of 2022

ALLOWING OF THE CRIMINAL PETITION

⑥ VLV
17/8/22