



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No.19526 of 2022 in/and
CRM-A No.149 of 2022**
Date of decision: 7th February, 2025

Balwinder Singh

... Applicant

Versus

M/s Brar Seed Store & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dhirinder Chopra, Advocate for the applicant.

MANJARI NEHRU KAUL, J.

1. The applicant/complainant is impugning the order passed by the learned trial Court in a complaint concerning the alleged sale of adulterated seeds.

2. As per the allegations in the complaint, the applicant (hereinafter referred to as, 'the complainant') purchased seeds labeled as HD-2851 and WR-544 from the respondent through invoices bearing Nos.7161, 7164 and 7455. At the time of purchase, the respondent assured the complainant of the genuineness of the seeds. However, the seeds allegedly failed to yield the expected results and, instead, caused damage to the land of the complainant.

3. Upon discovering the adverse impact, the complainant lodged a complaint on 09.04.2007 before the Chief Agricultural Officer,

Moga, who subsequently forwarded it to the Block Agricultural Officer, Moga for investigation. Following an inspection of the fields of the complainant, the Block Agricultural Officer submitted a report to the Chief Agricultural Officer, to the effect that the seeds appeared to be adulterated.

4. The learned trial Court, after considering the evidence on record, acquitted the respondent primarily on the ground that the prosecution/complainant failed to provide the respondent with a sample of the seeds in question. This omission, in turn, deprived the respondent of his statutory right to have the sample tested at the Central Seeds Testing Laboratory.

5. Learned counsel for the complainant has contended that the trial Court failed to appreciate the dishonest conduct of the respondent in misrepresenting the genuineness of the seeds at the time of sale to him. It is further argued that, although the respondent's right to have the seeds retested was curtailed, this was merely a procedural irregularity and should not have led to an acquittal. Reliance has been placed on reports No.41 and 42 submitted by the Assistant Cotton Development Officer, Moga, which purportedly confirmed that the seeds were adulterated.

6. After hearing learned counsel and perusing the relevant material on record, including the impugned order, this Court finds no illegality or perversity in the findings recorded by the learned trial

Court. The trial Court has rightly acquitted the respondent in view of the denial of his statutory right to independent testing of the seed samples.

7. In the light of the aforesaid, no ground is made out to accept the leave to appeal as well as the application for condonation of delay. Accordingly, the same stand dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 7, 2025
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No