

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (APL) NO.949 OF 2025****1 M/s. Nuziveedu Seeds Pvt. Ltd. APPLICANTS**

Survey No. 69, Kandlakoya, Medchal
Mandal, Gundalaponchampally, Village
Rangareddy District-Telangana-501401

- 2 Nuziveedu Seeds Pvt. Ltd
Through Sugriv Pandurang Pawar, Aged
about 52 Yrs. Occ.: Service as Dy.General
Manager (Marketing), Office situated at Gut
No. 107, Jalgaon Road, Sawangi, Tq. & Dist.
Aurangabad 431008.

-Versus-

State of Maharashtra through Anant
Sadashiv Maskare,
Adult, Occ.: Seed Inspector & Divisional
Quality Control Inspector, Divisional Joint
Director of Agriculture, Amravati Division,
Amravati.

**NON-
APPLICANT****CRIMINAL APPLICATION (APL) NO.954 OF 2025****1 Nuziveedu Seeds Pvt. Ltd, Survey No. 69, APPLICANTS**

Kandlakoya, Medchal Mandal,
Gundlaponcham pally Village, Rangareddy
District, Telangana-501401.

- 2 Manish Madhukarrao Range,
Aged about 50 Yrs. Occ.: Service as Jr.
Manager and Responsible Person for M/s.
Nuziveedu Seeds Pvt. Ltd.
J-48, M.I.D.C. Phase-III, Akola Opp. Radha
Udyog, Village Shivani, Tq. and Dist. Akola.

-Versus-

State of Maharashtra through District
Quality Control Inspector, O/o. Divisional
Joint Director of Agriculture, Amravati
Division, Amravati.

**NON-
APPLICANT**

CRIMINAL APPLICATION (APL) NO.955 OF 2025

- 1 Nuziveedu Seeds Pvt. Ltd, J-48, M.I.D.C. Phase-III, Akola Opp. Radha Udyog, Village Shivani, Tq. and Dist. Akola.
- 2 Manish Madhukarrao Range, Aged about 50 Yrs. Occ.: Service as Jr. Manager and Responsible Person for M/s. Nuziveedu Seeds Pvt. Ltd.
J-48, M.I.D.C. Phase-III, Akola Opp. Radha Udyog, Village Shivani, Tq. and Dist. Akola.

APPLICANTS

-Versus-

State of Maharashtra through District
Quality Control Inspector, O/o. Divisional
Joint Director of Agriculture, Amravati
Division, Amravati.

**NON-
APPLICANT**

CRIMINAL APPLICATION (APL) NO.956 OF 2025

- 1 M/s. Nuziveedu Seeds Pvt. Ltd.
Survey No. 69, Kandlakoya, Medchal
Mandal, Gundalaponchampally, Village
Rangareddy District-Telangana-501401
- 2 M/s. Nuziveedu Seeds Pvt. Ltd Through
Sugriv Pandurang Pawar, Aged about 52
Yrs. Occ.: Service as Dy.General Manager
(Marketing), Office situated at Gut No. 107,
Jalgaon Road, Sawangi, Tq. & Dist.
Aurangabad 431008.

APPLICANTS

-Versus-

State of Maharashtra through Seed
Inspector & Divisional Quality Control
Inspector, Divisional Joint Director of
Agriculture, Amravati Division, Amravati.

**NON-
APPLICANT**

CRIMINAL APPLICATION (APL) NO.958 OF 2025

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| <ol style="list-style-type: none"> 1 M/s. Nuziveedu Seeds Pvt. Ltd.
Survey No. 69, Kandlakoya, Medchal
Mandal, Gundalaponchampally, Village
Rangareddy District-Telangana-501401 2 Nuziveedu Seeds Pvt. Ltd
Through Sugriv Pandurang Pawar, Aged
about 52 Yrs. Occ.: Service as Dy.General
Manager (Marketing), Office situated at Gut
No. 107, Jalgaon Road, Sawangi, Tq. & Dist.
Aurangabad 431008. 3 Shri Rahul Sheshrao Kadam,
Aged about 45 Yrs. Occ.: Service as Area
Sales Manager, C/o. M/s. Prabhat Agri
Biotech Ltd. Plot No. 193, Near Kitli Garden
N-3, CIDCO, Aurangabad (M.S.) | <p><u>APPLICANTS</u></p> |
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-Versus-

State of Maharashtra, through Technical Officer (Quality Control) and Seed Inspector, Office of Divisional Joint Director of Agriculture, Amravati Division, Joven Amravati.	NON- APPLICANT
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CRIMINAL APPLICATION (APL) NO.959 OF 2025

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| <ol style="list-style-type: none"> 1 Nuziveedu Seeds Pvt. Ltd
Through Manish Madhukarrao Range, Aged
about 50 Yrs. Occ.: Service as Jr. Legal
Manager, J-48, M.I.D.C. Phase-III, Akola Tq.
and Dist. Akola. 2 Prabhat Agri Biotech Limited, through
Rahul Sheshrao Kadam, Aged about 38 Yrs.
Occ.: Service as Area Sales Manager, Plot
No. 193, Near Kitli Garden, N3, Cidco,
Aurangabad-431009. 3 Purushottam Shivnayan Ladda, Aged about
72 Yrs. Occ.: Business, Prop. of Shriram
Krushi Kendra, Jalgaon Jamod, Tq. Jalgaon
Jamod, Dist. Buldhana. | <p><u>APPLICANTS</u></p> |
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- 4 Sagar Ghanshamdas Baiya, Aged about 45 Yrs. Occ.: Business, Prop. of Sagar Krushi Kendra, Pimpalgaon Kale, Tq. Jalgaon Jamod, Dist. Buldhana.

-Versus-

State of Maharashtra through District Superintending Agriculture Officer, Buldhana, Dist. Buldhana.

**NON-
APPLICANT**

CRIMINAL APPLICATION (APL) NO.960 OF 2025

M/s. Asian Agri Genetics Ltd.

APPLICANT

Through Regional Manager, Aged Yrs. Occ. Service Rangit Laxman Rao Deshmukh, Plot No. 193 N-3, Opp. Ketali Garden Cidco, Aurangabad (MH)

-Versus-

- 1 State of Maharashtra through Seed Inspector and Agriculture Officer, Panchayat Samiti, Nandura, Tq. Nandura, Distt. Buldhana.
- 2 Shri Vikas Shamarao Bodade, M/s. Shrikrupa Krushi Kendra, Chandur Biswa, House No. 164, Ward No.4, Chandur Biswa, Tq. Nandura, Dist. Buldhana.
- 3 Rameshwar Shivaji Borale M/s. Ram Krushi Kendra, Wadner Bholji, House No. 87, in place of O.M. Wagh, Wadner Bholji, Tq. Nandura, Dist. Buldhana.

**NON-
APPLICANTS**

CRIMINAL APPLICATION (APL) NO.961 OF 2025

Nuziveedu Seeds Pvt. Ltd Through Manish Madhukarrao Range, Aged about 50 Yrs. Occ.: Service as Jr. Legal Manager, J-48, M.I.D.C. Phase III, Akola Tq. And Dist. Akola.

APPLICANT

-Versus-

- 1 State of Maharashtra through Taluka Agricultural Officer, Malkapur, Tq. Malkapur, Dist. Buldhana.

2 Prafulla Nathu Choudhari, aged about 52 **NON-**
Yrs. Occ. Business C/o. Maa Krushi **APPLICANTS**
Kendra, Dalata, Tq. Malkapur, Dist.
Buldhana.

Mr N.O. Dhoot counsel for the applicants
Mr.A.M.Joshi, APP for the State.
Mr K.V. Uprikar, counsel for the non-applicant No.2.

CORAM: MRS. VRUSHALI V. JOSHI, J.
JUDGMENT RESERVED ON: 27/04/2026
JUDGMENT PRONOUNCED ON: 06/05/2026.

COMMON JUDGMENT: -

- 1) Heard.
- 2) **Admit.** By consent of the learned Counsel for the parties, the Criminal Applications are heard finally.
- 3) The applicants in the present batch of matters are companies engaged in the production, distribution, and sale of hybrid cotton seeds through an established network of dealers across India, along with their respective responsible officers who oversee the day-to-day business affairs. In each case, seed samples were drawn by the concerned Seed Inspector from the premises of authorized dealers on different dates, in accordance with the procedure prescribed under the Seeds Act, 1966 and the Seeds Rules, 1968, including the sealing of samples and obtaining signatures in Form VIII. The samples were thereafter forwarded to the notified Seed Testing Laboratories within a short period, and laboratory reports were received indicating alleged non-conformity

with the prescribed standards. Based on such reports, show-cause notices were issued to the applicants, which were duly replied to within the stipulated time. However, despite the replies, complaints came to be filed before the respective Judicial Magistrates—namely, the Chief Judicial Magistrate, Akola, or the Judicial Magistrates First Class at Akola, Jalgaon Jamod, Malkapur, or Nandura—alleging contraventions under Sections 6(B) and 7(C) of the Seeds Act, 1966, along with the relevant provisions of the Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price) Act, 2009.

4) The timelines in these matters reveal that, while sampling and laboratory analysis were conducted promptly, there were varying degrees of delay in the filing of complaints, the progression of proceedings, and the service of summons upon the applicants. In certain cases, such as APL No. 960 of 2025, although the complaint was filed on 31.10.2023 and process was issued on 10.11.2023, the summons came to be served only on 16.04.2025, by which time the declared shelf life of the seed sample had already expired on 22.01.2024. In other matters, including APL Nos. 959 of 2025 and 956 of 2025, there is a noticeable delay between the date of sampling (June 2020) and the filing of the complaint (January 2021), which, coupled with subsequent procedural timelines, materially affects the viability period of the seed samples. Further, in APL No. 961 of 2025, the applicant, upon entering appearance,

had in fact moved an application under Section 16(2) of the Seeds Act, 1966 on 09.01.2020 seeking re-analysis of the sample; however, by that stage, the sample had already undergone substantial deterioration due to the lapse of time.

5) The Learned counsel for the applicants has argued that the matters in the present batch arise out of prosecutions under the Seeds Act, 1966 and the Maharashtra Cotton Seeds Act, 2009, wherein the central issue is that the valuable statutory right of re-analysis available to the accused has been rendered illusory due to delays attributable to the prosecution and the procedural machinery. The statutory framework under Section 16(2) of the Seeds Act, 1966 and Section 9(4) of the Maharashtra Cotton Seeds Act, 2009 confers a substantive right upon the accused to seek re-testing of the sample through the Court by a Central or Referral Seed Testing Laboratory. This right is not a mere procedural formality but constitutes the only effective mechanism available to the accused to challenge the correctness of the initial laboratory report, which forms the sole basis of the prosecution.

6) The learned APP opposed the application, stating that the show cause notice was given to the applicants, wherein the report of the Seed Analyst was made known to them. He therefore submitted that since the *prima facie* case is pointed out in the complaint, at this stage, the Court should not exercise its inherent powers for quashing the complaint.

7) In the present batch of matters, although sampling and laboratory analysis were conducted, within a defined time frame, the subsequent stages, namely, filing a complaint, issuance of service of summons and progression of proceedings, have been marked by delay.

- a. In APL No.960 of 2025, the samples were collected on 03.06.2023. The lab report was received on 28.06.2023, and a complaint was lodged on 31.10.2023. The Summons was served on 16.04.2025, after the expiry of the shelf life.
- b. In APL No. 949 of 2025, the samples were collected on 11.05.2018, the lab report was received on 07.06.2018, the complaint was lodged on 28.08.2018, the Shelf-life deterioration, there is procedural delay.
- c. In Case No. 954 of 2025, the samplers were taken on 12.05.2020, lab report was received on 08.06.2020. There is a procedural delay.
- d. In Case No. 955 of 2025, the samples were taken on 12.05.2020, the lab report was received on 28.05.2020, and the complaint is dated 12.08.2020. Sampling defect and slightly longer delay.
- e. In Case No. 956 of 2025, the samples were taken in June 2020, and the lab report was received in June 2020; the complaint is dated 25.01.2021. The delay between sampling

and complaint is inordinate.

- f. In case No.959 of 2025, samples were taken on 05.06.2020. There is a denial of retesting. A lab report was done in June 2020, and a complaint was lodged on 25.01.2021, regarding shelf-life deterioration and delay in prosecution.
- g. In case No. 961 of 2025, samples were taken on 11.06.2018, a complaint was lodged on 17.11.2018 and an appearance on 31.12.2019. Shelf life expired.

Law consistently recognizes that the right of re-analysis must be real, effective, and capable of meaningful exercise. If, due to a delay, the accused is deprived of this right, the entire prosecution stands vitiated. The delay, whether in filing the complaint or in effecting service of summons, cannot be attributed to the accused, and any prejudice arising therefrom must endure to the benefit of the accused. The continuation of such proceedings, where the statutory safeguard has been frustrated, amounts to an abuse of the process of law and warrants interference under the inherent jurisdiction of this Court.

8) The learned counsel for the applicants has relied on the following judgments: -

- i) *Mahyco Vegetable Seeds v. State of Maharashtra* [2018 All M.R. (Cri) 910].
- ii) *Managing Director, Mahyco Seeds v. State of Maharashtra* [2015 All M.R. (Cri) 2134]

- iii) *Shridhar Dattatray Dahankgre v. State of Maharashtra [2015 All M.R. (Cri) 4384]*
- iv) *R. Shridhar v. State Department of Agriculture [2016 All M.R. (Cri) 4409]*
- v) *Vishwas Pandhari Khuje v. State of Maharashtra [2015 All M.R. (Cri) 3884]*
- vi) *Criminal Writ Petition NO.611 of 2021 (M/s Kaverri Seed Company Ltd. & Ors. v. State of Maharashtra & Anr.) dated 2nd February 2023.*

9) In addition to above said judgments, if we consider the law since, 1967, it is observed, in the case of ***Municipal Corporation of Delhi v. Ghias Ram (1967) 2 SCR 116***, that if the sample becomes unfit for analysis due to delay, the accused is deprived of a valuable right to challenge the report. In the case of ***State of Haryana v. Unique Farmaid Pvt. Ltd. (1999) 8 SCC 190***, the Hon'ble Court has observed that the right to have a sample tested by a Central Laboratory is a valuable statutory right; frustration due to delay vitiates prosecution.

10) In the case at hand, the reanalysis right is defeated.

11) In the case of ***Medicamen Biotech Ltd. v. Rubina Bose (2008) 7 SCC 196***, the Hon'ble Court has observed that Delay rendering re-analysis ineffective proceedings liable to be quashed. In the case of ***Northern Mineral Ltd. v. Union of India (2010) 7 SCC 726***, the Hon'ble Court has observed that where statutory safeguards are frustrated, the benefit must go to the accused. In the case of ***Pepsi Foods Ltd. v. Special Judicial Magistrate (1998) 5***

SCC 749, the Hon'ble Court has observed that Summoning is a serious matter; it must be based on the application of the mind. In the case of **SMS Pharmaceuticals Ltd. v. Neeta Bhalla (2005) 8 SCC 89**, the Hon'ble Court has observed that Specific averments are required to fasten vicarious liability on company officials. In the case of **State of Punjab v. National Organic Chemical Industries Ltd. (1996)**, the Hon'ble Court has observed that Delay with deterioration of the sample leads to an unfair trial. The Hon'ble Apex Court has also quashed and set aside the FIR registered against the appellant under Section 16(2) of the Seeds Act after institution of the prosecution, the accused or the complainant observing that the accused or complainant, as may be, is vested with a right to make an application to the Court for sending a part of the sample to the Central Seed Laboratory for reanalysis. Such Pari materia provisions in other statutes have been held by this Court to be mandatory, vesting a valuable right either in the accused or the complainant as may be.

12) If the sample has lost its shelf life, the accused must be understood to have been deprived of his valuable right of reanalysis. Such deprivation will go to the root of the matter and render the prosecution futile and redundant.

13) In the present case, the order issuing summons was passed by the Court only after the shelf life of the sample had already expired. Consequently, the petitioners acquired knowledge

of the filing of the complaint only after the expiry of the shelf life. In such circumstances, any attempt on the part of the petitioners to exercise the right under Section 16(2) of the Seeds Act, 1966 would have been an exercise in futility, as the integrity and viability of the sample could no longer be assured. The Central Seed Laboratory, at such a belated stage, would not have been in a position to furnish a reliable opinion regarding the quality of the sample as it existed at the time of its seizure, since any report would necessarily reflect the condition of the sample at the time of examination, by which time it would have undergone deterioration.

14) To afford the indefeasible right available in view of Sub Section (2) of Section 16 of the Act, the complainant was under the obligation to take necessary steps in a complaint as early as possible and in any case before the expiry of the shelf-life of the product. Therefore, denial of such a right results in denial of a fair trial. Hence, I pass the following order.

ORDER

- i] All the Criminal Applications are allowed.
- ii] SCC No. 597 of 2023, pending on the file of learned Judicial Magistrate First Class, Nandura district Buldhana, RCC No. 779 of 2018 pending on the file of learned Chief Judicial Magistrate Akola, SCC No. 2241 of 2020 pending on the file of learned Chief Judicial Magistrate, Akola, RCC No. 783 of 2018 pending on the file of learned Chief Judicial Magistrate Akola, SCC No.1863 of 2020, pending on the file of learned Chief Judicial

Magistrate, Akola, RCC No.780 of 2018 pending on the file of learned Chief Judicial Magistrate Akola, SCC No.1257 of 2018 pending on the file of learned Judicial Magistrate First Class, Malkapur, District Buldhana, SCC No. 45 of 2021 pending on the file of Judicial Magistrate First Class, Jalgaon Jamod, district Buldhana are hereby quashed and set aside.

iii) All the Criminal Applications stand disposed of.

(MRS.VRUSHALI V. JOSHI, J)