

M.H. Krishnamurthy Vs. State Of Karnataka

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Court : Karnataka

Decided On : Jun-20-2014

Judge : S.N. Satyanarayana

Appeal No. : CRL.P.No.2638 of 2014

Appellant : M.H. Krishnamurthy

Respondent : State Of Karnataka

Judgement :

(Prayer: This Crl.P Is Filed Under Section 482 Of Criminal Procedure Code Praying To Quash The Proceedings In C.C.No.293/2013 Before The Civil Judge And J.M.F.C., Molakalmuru, Thereby Quashing The Complaint And The Criminal Proceedings For The Offences Punishable Under Section 19(A) Of Seeds Act, 1966.)

1. The accused in C.C. No.293/2013 pending on the file of JMFC., Molakalmuru, has come up in this petition seeking quashing of the aforesaid proceeding, which is registered pursuant to cognizance being taken in unnumbered PCR of 2013, which was filed by the respondent, who is Assistant Director of Agriculture and Seed Inspector and the complaint is with reference to an offence said to have committed under the provision of Section 7(b) of the Seeds Act, 1966 (hereinafter referred to as 'the Act') which is punishable under Section 19(a) of the Act.

2. Admittedly, the accused in the Court below is Manager of the Karnataka State Seeds Corporation Limited, which is the procurer and distributor of seeds for the purpose of cultivation by the farmers. The germination quality and purity of the seeds secured is said to be subject to specification under Section 6(a) of the Act. In the instant case, with reference to the groundnut seeds, which were in the custody of petitioner - accused in the Court below, samples were drawn by the respondent on 21.07.2012 and the same were sent to Laboratory for the test , which is said to have received by the Seed Analyst on 27.08.2012. It is the case of the prosecution that the Seed Analyst submitted a report in respect of the sample drawn from a specific lot of seeds holding that they do not conform to the standard of specification regarding germination and purity as specified under Section 6(a) of the Act. Hence, a private complaint is filed seeking to take cognizance of the offence said to have committed by the petitioner under Section 7(b) of the Act. It is seen that the learned Magistrate after perusing the complaint and documents filed by the complainant has taken cognizance and registered complaint in C.C. No.293/2013 for the offence punishable under Section 19(a) of the Act. While doing so, he has dispensed recording of complainant's sworn statement in view of the fact that he is a public servant. The sole accused in C.C. No.293/2013 has come up in this petition seeking for quashing of the said proceedings.

3. It is the case of the petitioner that the complaint, which is filed on 19.06.2013, is beyond the period of limitation of six months from the date of report being received by the complainant on 26.10.2012 and therefore, the said complaint is hit by limitation under Section 468(2) (a) of the Code of Criminal Procedure. According to him, the said offence being first offence, the punishment which could be imposed is fine upto `500/- for the first offence. It is stated that with reference to offences where only fine is required to be imposed, the complaint is required to be filed within six months from the date of offence being detected. In the instant case, the offence being detected from the report of Seed Analyst dated 26.10.2012, the complaint is filed on 19.06.2013 beyond the period of limitation of six months. It is the contention of petitioner that the seeds in question were subject matter of testing by the Karnataka State Seed Certification Agency, which is authorized under Section 9(3) of the Act to issue certification regarding the germination, quality and the specification as required under Section 6(a) of the Act. According

to him, the certificate, which was issued by the aforesaid agency being on 11.05.2012, the same is valid for a period of nine months and as on the date when sample was drawn from the lot of seeds for testing on 21.07.2012, it was covered by the said certificate. Therefore, the whole process adopted by the complainant in collection of sample, getting the same verified in the laboratory and thereafter, filing the complaint is erroneous.

4. Having heard the learned counsel for petitioner as well as learned Addl. State Public Prosecutor appearing on behalf of respondent herein, this Court find that the prosecution has failed to convince this Court on both aspects regarding the certificate issued by the Karnataka State Seed Certification Agency on 11.05.2012 being valid as on the date when the sample was drawn by the complainant on 21.07.2012, as drawing of the sample itself is erroneous. It is further seen that the prosecution has also failed to demonstrate that the complaint is filed within the period of limitation in as much as the laboratory report is dated 26.10.2012 and the complaint is filed on 19.06.2013 beyond the mandatory period of six months, within which, the complaint was required to be filed. In that view of the matter, the complaint falls short of requirement and the same is required to be quashed as prayed in the present petition.

Accordingly, this petition is allowed. Proceeding in C.C. No.293/2013 registered for the offence of contravention of Section 7(b) of the Seeds Act punishable under Section 19(a) of the Act pending on the file of JMFC., Molakalmuru, is hereby quashed.

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