

**The General Manager, vs the State of Karnataka**

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**SooperKanoon Citation :** [sooperkanoon.com/1259593](https://sooperkanoon.com/1259593)

**Court :** Karnataka Dharwad

**Decided On :** Jan-22-2025

**Judge :** Hemant Chandangoudar

**Appeal No. :** CRL.P/100223/2025

**Appellant :** The General Manager,

**Respondent :** The State of Karnataka

**Judgement :**

-1- IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH DATED THIS THE 22ND DAY OF JANUARY, 2025 BEFORE THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR CRIMINAL PETITION NO.100223 OF 2025 (482(Cr.PC)/528(BNSS)) BETWEEN: THE GENERAL MANAGER, KPR AGRO CHEM LTS. (FROMERLY KNOWN AS KPR FERTILISER LTD.,) S.NO. 108 AND 109, HALAVARTHI, TQ AND DISTRICT. KOPPAL, R/BY K. VENKATA MUKUNDA REDDY, AGE. 31 YEARS. PETITIONER (BY SRI. SANTOSH B. MALLIGAWAD, ADVOCATE) AND: THE STATE OF KARNATAKA REPRESENTED BY THE STATE PUBLIC PROSECUTOR, Digitally signed by B HIGH COURT OF KARNATAKA, K MAHENDRAKUMAR THROUGH, SHRISHAIL TELI, BK Location: HIGH MAHENDRAKUMAR COURT OF KARNATAKA FERTILIZER

INSPECTOR CUM DHARWAD BENCH Date: 2025.01.25 11:20:40  
+0530 AGRICULTURE OFFICER, KAGWAD O/O ASSISTANT  
DIRECTOR OF AGRICULTURE, ATHANI, TQ. ATHANI, DIST.  
BELGAVI. RESPONDENT (BY SRI. PRAVEENA  
Y.DEVAREDDIYAVARA, HCGP) THIS CRIMINAL PETITION IS FILED  
U/SE. 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO  
QUASH THE ORDER DATED 20.09.2021 IN C.C.NO. 1222/2021  
PENDING ON THE FILE OF CIVIL JUDGE AND JMFC, KAGAWADA  
AND QUASH PROCEEDINGS AGAINST THE ACCUSED NO.2 WITH  
RESPECT TO OFFENCES -2- P/U/SE. 3 AND 7 OF THE ESSENTIAL  
OF COMMODITIES ACT, 1985 AND CLAUSE 19 OF FERTILIZER  
CONTROL ORDER 1985. THIS PETITION, COMING ON FOR  
ORDERS, THIS DAY,

## **ORDER WAS MADE THEREIN AS UNDER:**

CORAM: THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

## **ORAL ORDER**

Sri. Praveena Y.Devareddiyavara, learned High Court Government Pleader accepts notice for the respondent.

2. A private complaint was filed under Section 200 of

Cr.P.C. by the respondent for the offences punishable under Sections 3 & 7 of the Essential Commodities Act, 1955 (for short, the Act) alleging that the fertilizer manufactured by KPR Agro Chem Ltd., was of sub-standard quality. The learned Magistrate after perusal of the complaint, took cognizance of the aforesaid offence and issued summons. Taking exception to the same, the petitioner-accused is before this Court.

3. Learned counsel appearing for the petitioner submits that the complaint filed by the respondent without arraying the Company as an accused is not maintainable, since the petitioner,

## **who is General Manager of the Company cannot be held**

vicariously guilty of the aforesaid offence as specified under Section 10 of the Act.

4. On the other hand, the learned HCGP appearing for the respondent-State submits that the petitioner who is the General -3-

Manager of the Company is responsible for maintaining the quality of the fertilizer manufactured by the Company and as such, the learned Magistrate has rightly taken cognizance of the aforesaid offence and the same does not warrant any interference.

5. I have examined the submissions made by the learned counsel for the parties.

6. Section 2(a) of the Fertilizer (Control) Order, 1985

specifies that "Act" means the Essential Commodities Act, 1955. Section 10 of the Essential Commodities Act, 1955 specifies that if the person contravening an order made under Section 3 is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly. Hence, to hold the officer of the Company vicariously guilty, the Company should be arrayed as an accused.

7. In the instant case, the Company having not been

arrayed as an accused, the petitioner cannot be held vicariously guilty of the aforesaid offences as specified under Section 10 of the Essential Commodities Act, 1955. Accordingly, I pass the following:

### **ORDER**

i) The criminal petition is allowed. -4- ii) The impugned proceedings in C.C. No.1222/2021 pending on the file of the Civil Judge and JMFC, Kagawad, insofar it relates to the petitioner/accused No.2, is hereby quashed. Sd/- (HEMANT CHANDANGOUDAR) JUDGE KMS Ct:vh List No.: 1 Sl No.: 11

