

Anu Products Ltd. and ors. Vs. the State

Anu Products Ltd. and ors. Vs. the State

SooperKanoon Citation : sooperkanoon.com/764388

Court : Rajasthan

Decided On : Feb-22-2000

Reported in : 2001CriLJ1551; 2000WLC(Raj)UC327; 2000(2)WLN480

Judge : Mohd. Yamin, J.

Acts : [Insecticides Act, 1968](#); Code of Criminal Procedure (CrPC) - Sections 482

Appeal No. : Cr. Misc. Petn. No. 472 of 1999

Appellant : Anu Products Ltd. and ors.

Respondent : The State

Advocate for Def. : Anees Bhurath, Public Prosecutor

Advocate for Pet/Ap. : Suresh Kumbhat, Adv.

Disposition : Petition allowed

Judgement :

ORDER

Mohd. Yamin, J.

1. This is a petition Under Section 482, Cr. P.C. in which it has been prayed that the complaint filed against the petitioners before Judicial Magistrate, Ladnu District Nagaur be quashed.

2. I have heard the learned counsel for the petitioners as well as learned Public Prosecutor.

3. Shiv Prasad Goyal was appointed as a Inspector under the [Insecticides Act, 1968](#) and Ladnu falls with in his jurisdiction. It is alleged that on 22-7-1994. M/s. Kisan Beej Bhandar was checked and Bheru Singh, is proprietor, was found present. He was selling dimethoate 30% E.C. (an insecticide) and had stored the same in the shop. The sample was taken and was sealed before the witnesses. One of the samples was sent to the Insecticide Laboratory which was found to be misbranded vide report dated 19-9-1994 which is on record. A notice along with report was sent to M/s. Kisan Beej Bhandar which informed that the distributors were M/s. Yadav Beej Bhandar, Sujangarh and Bharat Beej Bhandar, Sikar and the manufacturing company was Anul Products Ltd., Faridabad. Sanction was obtained and the petitioners were prosecuted. M/s. Kisan Beej Bhandar and petitioner No. 2 Bheru Singh are the persons from whom sample was taken. Petitioners No. 3, 4 and 5 are the distributors while petitioners No. 7, 8, 9, 10, 11 and 12 are the manufacturers.

4. Learned counsel for the petitioners citing latest judgment of this Court reported in 2000 Cri LR (Raj) 22, S.N. Chemicals (M/s) v. State of Rajasthan submitted that the sanction is not valid as the name of the inspector who took sample and the date on which sample was taken have not been disclosed in the sanction nor facts are mentioned which may constitute the offence nor ground for satisfaction is disclosed. He also submitted that there is no allegation in the complaint as to how the petitioners were liable. The sanction mentions only that the companies are dealers and manufacturers while the complaint does not disclose as to who were the persons incharge or responsible for conduct of the business. Hence it has been prayed that the complaint be quashed.

5. On the other hand learned Public Prosecutor submitted that the complaint should not be quashed as the above said ruling does not apply to this case.

6. I have carefully read the complaint which mentions that the sample was taken from the petitioner No. 1 whose proprietor is Bheru Singh. It was he who was found at the place of business at the time of checking. The complaint does not

mention as to where from Kisan Beej Bhandar obtained insecticides. The papers on record show that the notices were given to M/s. Yadav Beej Bhandar, Bharat Beej Bhandar and Anu Products Ltd., M/s. Yadav Beej Bhandar replied that insecticides was purchased from Bharat Beej Bhandar. But there is no reply of M/s. Bharat: Beej Bhandar available on record. It is not disclosed in the complaint as to how the petitioners No. 8, 9, 10, 11 and 12 were responsible for the business of Anu Products Ltd. which is said to have manufactured the insecticides. Yet the sanction mentions the names of the accused petitioners. The complaint does not disclose as to who was responsible for the conduct of the business of M/s. Anu Products Ltd.

7. The sanction admittedly does not name the inspector who took the sample from the date on which the sample was taken. It does not mention the facts constituting the grounds for satisfaction of the sanctioning authority. It appears that the sanction has been granted mechanically as the same was granted in the abovesaid citation. The case is fully covered by the said citation which is based on consideration of different cases of the Rajasthan High Court as well as of the Supreme Court and other High Courts. Consequently, it is an abuse of process of Court if this complaint continues. Hence the petition should be allowed and the proceedings should be quashed.

8. In the result, the petition is allowed and the complaint as well as the proceedings against the petitioners are hereby quashed.