



THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. This petition under Section 482 Cr.PC is filed with a prayer to quash the entire proceedings in C.C.No.908/2022 pending before the Court of Senior Civil Judge & JMFC, Nagamangala, for the offences punishable under Sections 13(1), 13(2), 19(b) of the Fertilizer Control Order, 1985, read with Sections 3(2)(d) of Essential Commodities Act, 1955.
2. Heard the learned Counsel for the parties.
3. Learned Counsel for the petitioner submits that the State Government has passed an order dated 14.02.2002, wherein it is stated that the persons who are not responsible for production of quality control of fertilizer products should not be prosecuted. It is the case of the petitioner that he being the Managing Director of the Company, has nominated Sri Pream Anand.S. as the Authorized Officer on behalf of the company with regard to quality aspects of the Fertilizer Control Order, 1985. He has produced Form-A2 issued by the Government of Karnataka which reflects that Pream Anand.S., was authorized



by the company for complying the provisions of the Fertilizer Control Order, 1985.

4. Learned HCGP does NOT dispute the submission made by the learned Counsel for the petitioner. She, however, submits that liberty may be granted to the State to proceed against the concerned person in accordance with law.

5. The aforesaid submissions made on both sides is placed on record.

6. The material on record would go to show that the petitioner is only the Managing Director of the company and in view of the Government Order dated 14.02.2002, only persons who are responsible for production of quality control of the fertilizer products can be prosecuted.

7. In the present case, petitioner has authorized one Sri Pream Anand.S., on behalf of the company for the purpose of complying the provisions of the Fertilizer Control Order, 1985. Therefore, the proceedings initiated against the petitioner for the alleged offences cannot be sustained. Accordingly, the following order:



8. Petition is allowed. The entire proceedings in C.C.No.908/2022 pending before the Court of Senior Civil Judge & JMFC, Nagamangala, for the offences punishable under Sections 13(1), 13(2), 19(b) of the Fertilizer Control Order, 1985, read with Sections 3(2)(d) of Essential Commodities Act, 1955, is quashed. However, this order will not come in the way of the respondents herein proceeding against the concerned in accordance with law.

Sd/-
JUDGE

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