

CRM-M-50880-2019

PARVEEN KUMAR DHAKA AND ORS V/S STATE OF PUNJAB

Present: Mr. Rakesh Verma, Advocate
for the petitioners.

Mr. I.P.S. Sabharwal, DAG, Punjab.

The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the impugned complaint No.198, dated 23.04.2018 under Sections 3(k)(i), 17, 18, 29 and 33 of Insecticides Act, 1968 and Rule 27(5) of Insecticides Rules, 1971 titled as “State Vs. M/s Garg Commission Agent @ others” (Annexure P-1), summoning order dated 23.04.2018 (Annexure P-2) passed by the trial Court and all subsequent proceedings arising therefrom.

As per facts of the present case, on 26.08.2011, the Insecticide Inspector Surinder Kumar, Talwandi Sabo had visited the shop of a dealer M/s Garg Commission Agent, Talwandi Sabo and had drawn a sample of insecticides. On 30.08.2011, after a period of four days, the sample was sent to the public analyst, State Insecticide Testing Laboratory, Ludhiana for analysis and the same was found to be misbranded after analysis, vide Analysis Report dated 28.09.2011. The said report was received by the Chief Agriculture Officer, Bathinda on 29.09.2011. Thereafter, a show cause notice was issued by the Chief Agriculture Officer, Bathinda on 20.10.2011 to the abovesaid manufacturing company. However, shockingly, the complaint was instituted before the competent Court on 23.04.2018, after a delay of 6 years, 06 months and 25 days of the receipt of the report of public analyst.

In several other cases, it has come to the notice of this Court that despite receipt of the report of public analyst and the sanction under the provisions of the Insecticides Act, the complaints are not instituted by the Insecticide Inspectors and the Chief Agriculture Officers of the concerned district for several years. In all these cases, this delay is caused by the concerned officials to help the accused illegally, because the maximum sentence provided under the provisions of the Insecticides Act is two years and the complaints are instituted after a delay of 3 years.

The Director, Agriculture, Punjab is directed to file his personal affidavit mentioning the following details of each case, district-wise for the last five years:

- i. date of collection of sample from the dealer/manufacturer.*
- ii. date of sending the sample to the public analyst.*
- iii. date of receipt of the report of public analyst.*
- iv. date of issuance of further show cause notices to the manufacturer etc. / dealer manufacturer etc.*
- v. date of receipt of sanction from the competent authority.*
- vi. date of institution of the complaint before the Court.*
- vii. name of the officer, who had collected the samples in each case.*
- viii. name of the Chief Agriculture Officer of the District, who was posted on the date of taking the sample.*
- ix. name of the Insecticides Inspectors and the Chief Agriculture Officer, who remained posted at the relevant place, in all the cases, where complaints are found to be time barred.*
- x. Whether any criminal action/FIRs have been registered against such officials, who had filed the complaints after the expiry of the period of limitation.*
- xi. Whether any departmental / disciplinary action against such officials has been taken and the status of such inquiry.*

A copy of this order be sent to the Secretary, Department of Agriculture for information and necessary action.

The Director, Agriculture, Punjab and Chief Agriculture Officer, Bathinda shall personally remain present on the next date of hearing, as well.

Adjourned to 02.05.2024.

To be shown in the urgent list.

Interim order to continue.

A copy of this order be given to the learned State counsel under the signature of Bench Secretary of this Court for strict compliance.

04.04.2024
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(N.S.SHEKHAWAT)
JUDGE