

Y. R. S. Rao

Vs

Deputy Director of Agriculture, Karimnagar, Andhra Pradesh and Others

Criminal Appeal No. 361 of 1981

(A.D. Koshal, E.S. Venkataramiah JJ)

30.03.1981

### JUDGMENT

1. We have gone through Section 24 of the Insecticides Act, 1968. We are of the view that under sub-section (3) of Section 24, the report signed by an Insecticide Analyst shall be conclusive evidence only against a person from whom the sample had been taken and who had the opportunity to notify his intention to contest its correctness as mentioned therein but had not availed of such opportunity.
2. Sub-section (4) comes into operation when the sample has not already been tested or analysed in the Central Insecticide Laboratory. Where a person has under sub-section (3) of Section 24 notified his intention of adducing evidence in contravention of the Insecticide Analyst's report the Court may by its own motion, or in its discretion at the request of either the complainant or of the accused cause the sample of the insecticide produced before the Court under Section 22 (6) to be sent for test or analysis to the Central Insecticide Laboratory which shall make the test or analysis and report in writing signed by, or under the authority of, its Director, the result thereof, and such report shall be conclusive evidence of the facts stated therein and of nothing else. We are not now called upon to decide in this case which arises out of a writ petition whether such report can be read against a person from whom the sample is not taken. This is the function of the criminal court. We leave open this question as well as the question of constitutionality of the provision if such report is said to be conclusive evidence also against such person.
3. With these observations, the appeal is dismissed.

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