

SUPREME COURT OF INDIA

Mahyco Vegetable Seeds Ltd

Vs.

The State of Maharashtra

CrI.A.No.1092 of 2017

(Ranjan Gogai and Navin Sinha, JJ.,)

10.07.2017

ORDER

SLP(CrI.)No.4017/2017

1. Leave granted.
2. The accused-appellant(s) who have failed in convincing the High Court to quash the criminal proceedings have assailed the Order dated 06.04.2017 of the High Court in this appeal.
3. We have heard the learned counsels for the parties.
4. The point agitated is short and precise. The sample of seeds was taken on 01.09.2002 and the report of the Seed Analyst is dated 26.09.2002. The shelf life of the sample was till 07.11.2002 which is evident from the details of the samples taken, mentioned in Form-VIII. A complaint was filed on 31.01.2003. Under Section 16(2) of the Seeds Act, 1966 after institution of above prosecution, the accused or the complainant, as may be, is vested with a right to make an application to the Court for sending a part of the sample to the Central Seed Laboratory for reanalysis. Such pari materia provisions in other statutes have been held by this Court to be mandatory, vesting a valuable right either in the accused or the complainant as may be.
5. In the present case, by the time the complaint came to be filed on 31.01.2003, the sample has lost its shelf life. If that be so, the accused-appellant must be understood to have been deprived of his valuable right of reanalysis.
6. Such deprivation will go to the root of the matter and render the prosecution futile and redundant. If that is so, we are inclined to hold that there is no reason why the proceedings should not be quashed. We order accordingly.
7. The order of the High Court is set aside and the appeal is allowed.

