

115 CRM-M-26248 of 2023

Sudhir Kumar Pathak and others Vs. State of Punjab

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

With the help of the chart provided by learned counsel for the petitioners, it is contended by him that sample of the insecticide was taken on 14.09.2015 but instead of sending the same forthwith, the same was sent for analysis after seven days on 21.09.2015. Not only this, after receipt of the Public Analyst Report dated 12.10.2015 which was received in the Office of Chief Agriculture Officer, Bathinda on 20.10.2015, sanction was applied on 07.09.2018 which was granted on 07.12.2018 and then the complaint was instituted on 07.05.2019. Learned counsel further contends that there is delay of 03 years 06 months 17 days from the date of receipt of the public analyst report till the date of filing of the complaint but if the period of 03 months for grant of sanction is excluded in view of Section 470 cr.P.C, the complaint is still barred by limitation in view of Section 468 Cr.P.C.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State.

Adjourned to 23.08.2023.

In the meantime, further proceedings qua the petitioners shall remain stayed.

(DEEPAK GUPTA)
JUDGE

May 29, 2023
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