

ITEM NO.1

COURT NO.13

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Special Leave to Appeal (Cr1.) No(s). 3330/2020

(Arising out of impugned final judgment and order dated 26-06-2020 in CRLPIL No. 9/2020 passed by the High Court Of Judicature At Bombay At Aurangabad)

SEED INDUSTRIES ASSOCIATION OF MAHARASHTRA & ORS. Petitioner(s)

VERSUS

REGISTRAR JUDICIAL, HIGH COURT OF  
BOMBAY BENCH AT AURANGABAD & ORS.

Respondent(s)

IA No. 61122/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 61124/2020 - EXEMPTION FROM FILING O.T.

IA No. 61121/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 61735/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No. 3331-3332/2020 (II-A)

( FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 64828/2020

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 64832/2020

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 76739/2020

IA No. 76739/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 64832/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 64828/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Cr1) No. 3333-3334/2020 (II-A)

( FOR EXEMPTION FROM FILING O.T. ON IA 63364/2020

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 63365/2020

IA No. 63364/2020 - EXEMPTION FROM FILING O.T.

IA No. 63365/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Cr1) No. 5116-5117/2020 (II-A)

Date : 03-11-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Saurav Agrawal, Adv.  
 Mr. Shantanu Agrawal, Adv.  
 Mr. Sharad Kumar, Adv.  
 Mr. Harshit Malik, Adv.  
 Ms. Prachi Pandey, Adv.  
 Ms. Kavya Pahwa, Adv.  
 Mr. Manas Arora, Adv.  
 Mr. C. George Thomas, AOR

Mr. Abhay Satendra Nevagi, Adv.  
 Mr. Krishan Kumar, AOR  
 Mr. Neetu Sharma, Adv.  
 Mr. Nitin Pal, Adv.  
 Ms. Swati Jindal, Adv.

Mr. Sudhanshu S. Choudhari, AOR

Mr. K.V. Vishwanathan, Sr. Adv.  
 Mr. Prashant Pakhiddey, Adv.  
 Mr. Manav Gill, Adv.  
 Mr. Byron Sequeira, Adv.  
 Mr. Sivagnana M.K., Adv.  
 Mr. Abhay Kumar, AOR

For Respondent(s) Mr. Prashant Shrikant Kenjale, AOR

Mr. Aaditya Aniruddha Pande, AOR  
 Mr. Siddharth Dharmadhikari, Adv.  
 Mr. Bharat Bagla, Adv.

Ms. Abha Goel, Adv.  
 Mr. Mayank Kshirsagar, AOR

UPON hearing the counsel the Court made the following  
 O R D E R

The present set of petitions arise out of a Public Interest Litigation initiated *suo motu* by the High Court at Bombay, Bench at Aurangabad. The grievance in which the High Court has intervened relates to supply of Soyabean seeds in respect of which there are allegations that these were substandard and did not germinate. The petitioners before us are an association of seed companies as also individual seed companies. They were not parties before the High

Court in the public interest litigation. Main point argued by them is that the provisions of Seeds Act, 1966 would be applicable for taking cognizance of offence relating to such complaints but the High Court has observed that the police authorities should directly take steps. The operative part of the impugned Order reads:-

*"7. This court has observed that the provision of Section 420 of IPC can be used against the vendor who has sold the bogus seed and also against the company who had put bogus seed in the market for sale. Offence of cheating is cognizable offence and so, the farmers can approach police. The farmers are expected to approach police after giving complaint to the Authority like Seed Inspector created under the Seeds Act, 1966 and if they feel that the Seed Inspector is not taking action, they are not to waste time as within prescribed time the seeds needs to be tested. If the farmers approach police with the record, they give the complaints, the police are expected to register the crime. As the procedure given under Seeds Act need to be followed, the concerned seed inspector can be called by police for following the procedure given under the Seeds Act and further action can be taken by police. Such actions are to be started immediately as the defence of expiry of time fixed by statute is ordinarily taken by the accused in such cases.*

*8. Learned counsel Shri P.P. More is appointed as Amicus Curie in the matter. He is to prepare the draft of petition which needs to contain the reliefs which can be inferred on the basis of the complaints of the farmers. The nature of the complaints are already mentioned but it is open to the counsel to collect the material on his own. The draft petition needs to be filed and copy needs to be supplied to APP before next Friday. Copy of this order is to be supplied to the learned APP and he is expected to convey the order to all the concerned of this region including the Police of this region. Copy of the order is also to be supplied to Shri P.P. More. Keep the mater on the next Friday. Court may give more time only for the compliance of para 6(v) of the order. Other part to be complied immediately."*

The order assailed was passed on 26.06.2020. We are apprised by learned counsel for the petitioners that there have been

subsequent orders passed in the said public interest litigation and some of these orders are also under challenge in connected matters but substance of the challenge is broadly the same.

In our opinion, the petitioners ought to have approached the High Court with their grievances instead of approaching this Court invoking our jurisdiction under Article 136 of the Constitution of India.

We do not want to interfere with the orders assailed in the present set of petitions and dismiss these petitions, giving liberty to the petitioners to approach the High Court with the points raised in these proceedings. We, however, suspend operation of this order of dismissal for a period of four weeks on the prayer of the petitioners.

This order, including the order for suspension will not prevent the petitioners from approaching the High Court.

(JATINDER KAUR)  
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)  
ASSISTANT REGISTRAR