



**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRR-1125-2011(O&M)  
Date of Decision:- 23.09.2025**

**PRITHVI RAJ**

**.....Petitioner.**

**Vs.**

**STATE OF PUNJAB**

**.....Respondent**

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Sanjeev Sharma, Sr. Advocate with  
Mr. Vikram Vir Sharda, Advocate  
Mr. Sandeep Singh, Advocate and  
Mr. Jugansh Goyal, Advocate  
for the Petitioner.

Mr. M.S. Toor, AAG Punjab.

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**JASJIT SINGH BEDI, J.**

The present revision petition has been filed impugning the judgment dated 09.05.2011 passed by Additional Sessions Judge, Faridkot whereby the appeal filed against the judgment of conviction and order of sentence dated 15.10.2009 passed by Chief Judicial Magistrate, Faridkot has been dismissed.

2. The brief facts of the case as set out in the complaint are that Resham Singh, Insecticide Inspector Faridkot in the performance of his official duties inspected the shop of M/s S.K. Pesticides, Ferozepur Road Sadiq on 02.01.2003 along with Balvir Singh, ADO Jand Sahib Block Faridkot. On checking the Stock Register of the Firm, eight pieces of Monocrotophos 36 % SL in one litre packing were found in the stock of the firm (brand name Jai Monocrotophos). He selected one litre pack bearing batch No.RH-42 manufacturing date 17.08.2002 and expiry date 16.08.2003

which had been manufactured and supplied by M/s Jai Chemicals Faridabad vide the Bill No./Invoice No.927 dated 09.09.2002. He purchased 750 ML Monocrotophos vide Bill No.848 dated 02.01.2003 for Rs.165/- only. The sample was drawn in accordance with the procedure under the Insecticides Act and Rules. They were sealed in four different packets. One packet was handed over to Deepak Kumar S/o Suresh Kumar, Salesman of the Firm at the spot. On 06.01.2003 the two remaining sealed samples were deposited in the office of the Chief Agriculture Officer, Faridkot. One sample out of the same was despatched to the Senior Analyst Insecticides Testing Laboratory, Amritsar. The test report of the sample Monocrotophos revealed that the same was misbranded with the remarks "The Sample does not conform to I.S. Specifications in respect of it's percent active Ingredient Content. Hence the sample is misbranded." .The active ingredient contents 27.70 % instead of 36% SL. The copy of the Analysis Report was delivered to the dealer firm M/s S.K. Pesticides, Ferozepur Road Sadiq and its sole proprietor Suresh Kumar and Deepak Kumar, Salesmen along with a show cause notice as per the provisions of Section 24(2) of the Insecticides Act. Similarly, a copy of the Analysis Report was delivered to the manufacturer firm and the responsible persons of the firm along with a show cause notice. On a request of the dealer M/s S.K. Pesticides, the second sample was sent to the Central Insecticides Laboratory for re-testing and the same was once again found to be misbranded with the active ingredient contents only 32.72 % instead of 36% SL. Thus, the firm M/s S.K. Pesticides Ferozepur through its proprietor Suresh Kumar being a stockist/dealer had sold misbranded insecticides and the manufacturer M/s Jai Chemicals 14/1 Mathura Road Faridabad through Shri Prithvi Raj S/o Bhikhi Ram, Production Supervisor and responsible person for Quality Control M/s Jai Chemicals 14/1 Mathura Road Faridabad

had also committed an offence by manufacturing/formulating and supplying for sale misbranded insecticides.

3. Pursuant to the filing of the complaint, the summoning order was issued. On conclusion of the trial, while the dealer firm along with the responsible person were acquitted in view of the protection under Section 30(3) of the Insecticides Act the manufacturing company through its proprietor Suresh Kumar and the petitioner-Prithvi Raj were held guilty by the Court of the Chief Judicial Magistrate, Faridkot and sentenced vide judgment dated 15.10.2009 as under:-

<b>Offence under Section</b>	<b>Sentence RI/SI</b>	<b>Fine</b>	<b>RI/SI in default of payment of fine</b>
29 of the Insecticides Act	RI for 02 years	Rs.10,000/-	RI for 02 months

4. The petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Faridkot vide judgment dated 09.05.2011.

5. The aforementioned judgments are under challenge in the instant petition.

6. The learned Senior counsel for the petitioner contends that the sample was manufactured on 17.08.2002. The petitioner was appointed as a Production Supervisor of the Manufacturing company namely, M/s Jai Chemicals 14/1 Mathura Road Faridabad on 23.12.2002 as is apparent from the affidavit furnished by him in terms of the provisions of the Insecticides Act and which has been exhibited as Ex.P22. The sample was drawn on 02.01.2003. As the batch from which the sample was drawn was manufactured on 17.08.2002 and the petitioner had not yet been appointed as a Production Supervisor who was Incharge of Quality Control, therefore, no liability can be affixed upon him and his conviction is liable to be set aside.

7. The learned State counsel does not dispute the factual position that the sample batch No.RH-42 was manufactured on 17.08.2002 and the petitioner was appointed as a Production Supervisor Incharge of Quality Control as per his affidavit dated 23.12.2002. He, however, contends that the offence stands established beyond doubt and therefore, the present petition is liable to be dismissed.

8. I have heard learned Counsel for the parties.

9. Admittedly, the sample was taken from a batch which was manufactured on 17.08.2002. The petitioner furnished his affidavit dated 23.12.2002 (Annexure P-6/Ex.P22) as per which he was Incharge of Quality Control. Quite apparently, when the batch from which the sample was taken and sent for analysis was manufactured, the petitioner was not the person Incharge of Quality Control. Therefore, no liable can be affixed upon him.

10. In view of the above, I find considerable merit in the present petition. Therefore, the judgment dated 09.05.2011 passed by the Additional Sessions Judge, Faridkot and the judgment of conviction and order of sentence dated 15.10.2009 passed by the Chief Judicial Magistrate, Faridkot are set aside. The petitioner is acquitted of the charges framed against him.

**( JASJIT SINGH BEDI )**  
**JUDGE**

23.09.2025

Jitesh

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>