

## **ORDER**

1. The complainant Smt. Radhika. B. R., Insecticide Inspector Agriculture officer has filed the private complaint under section 223 of BNSS, against accused persons for violation of Section 3(K), 9, 13(1), 17 and 18(1) of Insecticide Act 1968 and thereby committed offence punishable under section 29 of the Insecticide Act, 1968.
2. The brief facts of the complainant is that, the Complainant herein working as Assistant Agriculture officer and she was appointed under Government Notification dated 12.04.2012. Further it is the case of the complainant that, the Accused no.1 is running a business under the name and style of Am-rith Organic Fertilizers and the accused No. 2 is the area sales manager and the accused No. 3 is the seller.
3. The complainant herein further averred that, on 27.03.2023 she has visited the shop of Kshema Distributors at Siddapura and she has inspected the said shop and she found that, there is a selling of Flower Tone+ insecticide without license and further found that, it is misbranded and he has taken sample of insecticides in accordance with law and the same has been sent FSL and it found that it is misbranded. Hence the accused persons herein committed the alleged offenses.
4. The complainant has conducted inspection and verification in accordance with law and she found that the accused persons have violated the provisions of Section 3(K), 9, 13(1), 17 and

18(1) of Insecticide Act 1968 and thereby committed offence punishable under section 29 of the Insecticide Act, 1968.

5. The complainant has produced Copy of Government Notification, mahazar, FSL report, Notice issued to accused persons and reply from the accused and other records. It is clear from the notice issued by the complainant to the accused persons that, the complainant has sought for explanation of the accused for having violated the various provisions of the Insecticides Act.
6. After filing the Complaint, this Court has issued notice to the accused persons as contemplated under Section 223 of BNSS and they have appeared before the Court through their Counsel and filed their written objections to the complaint. It is stated in the written objections that, the accused have not committed any offences as alleged in the complaint and there is no prima-facie case against the accused persons, hence they pray to dismiss the complaint.
7. Heard arguments of both sides on complaint and this Court perused records.
8. The provisions of Section 18 (1) (a) would prima facie indicate that, the unregistered insecticide prohibits to sale the same and it is violation section 18 (1) (a) of said act. Therefore, the allegations made in the complaint and the documents produced on records shows that the prima facie that the complainant has followed the mandatory procedures prescribed under Act and initiated necessary action by filing private

complaint. Furthermore, the complaint is filed within time as per the Act.

9. The complainant is a Government Official and she is working as Insecticide Inspector Cum Agriculture officer and as such sworn statement of the complainant is dispensed with in view of section 223 of BNSS. Further, allegations made in the complaint and the documents placed on record are prima facie indicating that there are sufficient grounds to proceed against accused persons for the violations of the aforesaid provisions of Act. In the result this Court proceed to pass following:

### **ORDER**

**Cognizance is taken against Accused No. 1 to 3 for violation of Section 3(K), 9, 13(1), 17 and 18(1) of Insecticide Act 1968 and thereby committed offence punishable under section 29 of the Insecticide Act, 1968.**

**Register Criminal Case against Accused No. 1 to 3 in register No. III, for violation of Section 3(K), 9, 13(1), 17 and 18(1) of Insecticide Act 1968 and thereby committed offence punishable under section 29 of the Insecticide Act, 1968.**

**Issue summons to Accused No.1 to 3**

**Returnable by 21-08-2026.**

**Civil Judge and JMFC,  
Siddapur.**