

ITEM NO.10

COURT NO.9

SECTION II

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).765/2005

(From the judgement and order dated 26/10/2004 in CRL.Misc.Petition No. 250/2001 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

M/S. NORTHERN MINERALS LTD. & ORS.

Petitioner(s)

VERSUS

RAJASTHAN GOVT. & ANR.

Respondent(s)

(With appln(s) for stay and office report)

Date: 16/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Mr. Dhruv Mehta, Adv.

Mr. Harshvardhan Jha, Adv.

for M/S K.L. Mehta & Co.,Adv.

For Respondent(s)

Mr. Aruneshwar Gupta, AAG.

Mr. Naveen Kumar Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

Counsel for the appellants has relied upon two judgments of this Court

reported in JT 2002 (Suppl.1) SC-516 and (1999) 8 SCC 190, for the proposition that

the appellants having expressed their intention to adduce evidence in contraversion of

the report of the Insecticide Analyst, were deprived of their right under Section 24(4)

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of the Insecticides Act on account of the fact that the complaint itself was filed in

court on 13/9/1995, much after the date on which the shelf life of the insecticide came

to an end, that is, in August, 1995. We notice that in the instant case, in the notice

given to the appellants by the respondent, (Annexure P-2) dated 30th December, 1994

the appellants were informed that they could get the sample lying with them tested

from the Central Insecticide Laboratory, Faridabad, Hyderabad or Bombay at their

own expense with the permission of the competent court, if they were not satisfied

with the report of the Analyst which had found the sample to be dis-branded.

Counsel for the the State submits that these facts did not exist in the cases to which

reference has been made by the counsel for the appellants. However, in our view the

matter requires to be considered.

Special leave granted.

Interim stay to continue.

(Sheetal Dhingra)

(Phoolan Wati Aro

ra)

Court Master

Court Master