

Rattan Lal Vs State of Haryana

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Jan. 3, 1995

Hon'ble Judges: J.B.Garg, J

Advocate: S.K. Bishnoi, K.K. Aggarwal, Advocates for appearing Parties

Judgement

J.B. Garg, J.

1. Rattan Lal son of Dhani Ram, a Karyana merchant of Pinjore, has moved this petition under Section 482 of the Code of Criminal Procedure

challenging the complaint pending against him under Section 7 read with section 16(1)(a)(i) of the Prevention of Food Adulteration Act.

2. Briefly, the facts as alleged by the complainant Food Inspector are that the premises of the petitioner was inspected on 19.11.1982 and iodized

salt was collected from there on payment of price and thereafter, converted into three separate dry and clean bags containing 700 grams each. As

a consequence of the report of the Public Analyst, it was found that Sodium Chloride was 93.8% as against the prescribed standard of 94.5% and

the other matter soluble in water was found to be 5.3% as against the maximum permissible of 4.5%.

3. On behalf of the petitioner it has been pointed out that the sample was allegedly collected on 19.11.1982 and the charge against the petitioner

was framed more than 9 years ago on 5.7.1985. Only the statement of the complainant Food Inspector has been recorded and thereafter, no

evidence has been produced during the last several years. This contention has not been controverted in corresponding paras 5 and 6 of the reply.

4. Thus, it is a case where the sample was taken more than 9 years ago on 19.11.1982 and the complainant could not conclude the evidence. As

seen above the difference between the prescribed standard and the one found in the sample was negligible. It is a fit case to invoke the provisions

of Section 482 of the Code of Criminal Procedure. The conclusion is that the present petition is accepted and the proceedings pending against the

petitioner in the Court of Chief Judicial Magistrate, Ambala, are hereby quashed.