

(1955) 01 MAD CK 0002

Madras High Court

Case No: Criminal A. No. 451 of 1954

The Public Prosecutor

APPELLANT

Vs

Parthasarathy Ayyangar and
another

RESPONDENT

Date of Decision: Jan. 3, 1955

Acts Referred:

- Prevention of Food Adulteration Act, 1954 - Section 6(2)

Hon'ble Judges: Panchapakesa Ayer, J

Bench: Single Bench

Advocate: M. Srinivasagapalan and M. R. Narayanaswami, for the Respondent

Judgement

Panchapakesa Ayer, J.

This is an appeal by the State of Madras against the acquittal of the two accused, Parthasarathi Aiyangar and

Karuppa Knar, in. C. C. No. 2195 of 1953 on the file of the Sub Magistrate, Tiruchirapalli. The facts are briefly these: These two accused were

charge sheeted under R. 37 (A) (a) of the Madras Prevention of Adulteration Act for having added a substance other than chicory to coffee

intended for sale in their shop. The first accused was the proprietor of the shop, and the second accused was a servant under him, aiding in sale of

the jars containing coffee powder. On an analysis it was found that the jars contained 75 per cent coffee and 25 per cent foreign adulterant which

was not chicory and which was identified as wild roasted date seeds. The correctness of the analysis was not disputed by the accused. What they

said was that they were selling these jars of coffee powder obtained from Kumar Coffee Works, and that they believed the assurance of the

company that the jars contained 75 per cent coffee and 25 per cent chicory, which is permissible under the rules, and that they have no reason to

believe that the Kumar Coffee Works have mixed a foreign adulterant other than chicory, like powdered wild date seeds. They also relied on Ex.

D. 2, dated 5th September 1953, a communication by them to the Health Officer stating these facts, and on a communication, Ex. D. 1, dated 5th

June 1953, from one Padmakumar, the proprietor of the Kumar Coffee Works. The learned Public Prosecutor rightly pointed out that the

Prevention of Adulteration Act and Rules framed there under are intended to protect the purchasers of coffee powder and other food from

adulteration, and that under S. 6 (2) of the Prevention of Adulteration Act, certain conditions have to be fulfilled before an accused could rely on a

defence that he had no reason to believe at the time, when he sold the food, that it was not of such nature, substance or quality as described in the

jars, and that in all such cases therefore it would be no defence to say merely that the vendor was ignorant of the thing, substance or quality. Here,

the jars sold by the accused were clearly labeled as containing 75 per cent coffee and 25 per cent chicory, and the accused failed to show that jars

supplied to them by Kumar and Co contained 75 per cent coffee and 25 per cent foreign adulterant, namely, powdered wild date seeds. We are

not concerned here with question whether powdered wild date seeds are inferior to chicory. The law has laid down that chicory, and no other

substance, shall be mixed with coffee, and, so the admixture of any other substance, like powdered wild date seeds, will be an offence. The lower

Court has over looked the provisions of S. 6 (2) and has there for not applied R. 37 (A) (a) to this case, I set aside the acquittal of both the

accused, and convict them of affiance under R. 37 (A) (a). After taking all the circumstances into consideration, including the plea of Mr.

Narayanaswami for a light sentence, I direct each of the accused to pay a fine of Rs. 5 or, in default, to undergo simple imprisonment for 7 days.

15 days time is given for them to pay the fine, as prayed for.