

Union Territory of Chandigarh Vs Krishan Kumar

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: June 16, 2014

Acts Referred: Prevention of Food Adulteration Act, 1954 " Section 9

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: Kewal Singh, Advocate, for Mr. Hemant Bassi, Advocate for the Appellant

Judgement

Naresh Kumar Sanghi, J.

Brief facts of the case are that a sample of milk was drawn by the Food Inspector and after completing the

formalities, one part of the sample was sent to Public Analyst. Upon analysis, it was found to be adulterated being not in conformity with the

standards laid down in the Prevention of Food Adulteration Act and the Rules framed thereunder. Therefore, a complaint was instituted against the

respondent in the year 1999. After appearance, the respondent-accused took the plea that the Food Inspector, Sukhwinder Singh, was not

competent to lift the sample since he was not a qualified Food Inspector at the time of taking the sample from the respondent-accused. It was

further averred that the said Food Inspector was again imparted training of three months and thereafter a fresh notification of his appointment as

Food Inspector was notified in the year 2003. Therefore, the learned Trial Court had held that at the time of drawing the sample from the

respondent-accused, Sukhwinder Singh, the Food Inspector had no jurisdiction to draw the sample and, as such, the respondent-accused was

discharged and the complaint was dismissed vide order dated 4.4.2008.

2. Dissatisfied with the order dated 4.4.2008, passed by the learned Chief Judicial Magistrate, Chandigarh, Criminal Revision Petition No. 1497 of

2010 was presented before this Court. Criminal miscellaneous application bearing CRM No. 27564 of 2010 was also filed seeking condonation

of delay of 615 days in filing the revision petition.

3. Since no one had put in appearance on behalf of the petitioner on several dates, this Court vide order dated 20.7.2012 was constrained to

dismiss the revision petition for want of prosecution. Thereafter, CRM No. 49116 of 2012 was presented for recalling the order dated 20.7.2012

and for restoration of the revision petition on the ground that the lawyer who had to argue the case was on his legs before another Hon"ble Bench

while his associate counsel could not reach in time before this court with a request to seek pass-over of the case.

4. I have heard learned counsel for the petitioner and gone through the material available on record.

5. First of all, this Court is of the considered opinion that the grounds mentioned in CRM No. 27564 of 2010, for condonation of delay of 615

days in filing the criminal revision petition are not tenable. This huge delay in filing the criminal revision petition has not been explained, therefore,

this Court does not find any reason to condone such a long delay in filing the criminal revision petition.

6. However, to satisfy the conscience of this Court, the facts of the case were also perused. The learned Trial Court had specifically noticed in the

order dated 4.4.2008 that the Food Inspector had no jurisdiction at the relevant time of drawing the sample and that is why in the year 2003, the

said Food Inspector was once again deputed to undergo training of three months and a fresh notification for his appointment as Food Inspector

was notified by the Union Territory Administration.

7. Section 9 of the Prevention of Food Adulteration Act prescribes the qualifications of a person to be appointed as a Food Inspector. Since Mr.

Sukhwinder Singh was lacking those qualifications at the relevant time of drawing of the sample, therefore, the learned Trial Court has rightly come

to the conclusion that he had no jurisdiction. There is no illegality or perversity in the impugned order dated 4.4.2008 passed by the learned Chief

Judicial Magistrate, Chandigarh.

8. So far as criminal miscellaneous application bearing CRM No. 49116 of 2012, for restoration of the criminal revision petition is concerned, it is

apposite to mention that the case was taken up on 28.3.2012 and when no one had appeared for the petitioner, the criminal revision petition was

adjourned to 20.7.2012. On the adjourned date, the matter was called twice and when no one appeared for the petitioner, then this Court was left

with no other option but to dismiss the case for want of prosecution. Though no ground for restoration was made out, but to satisfy the conscience

of this Court, the matter was reappraised and it was found that there was no merit in the case, as such, the criminal miscellaneous application for

restoration of the case is also dismissed.