

State of Rajasthan Vs Jamal

Court: Rajasthan High Court

Date of Decision: Nov. 29, 2007

Acts Referred: Prevention of Food Adulteration Act, 1954 â€” Section 16, 7

Hon'ble Judges: M.C. Sharma, J

Bench: Single Bench

Advocate: B.N. Sandhu, Public Prosecutor, for the State, for the Appellant; J.S. Rathore, for the Respondent

Final Decision: Dismissed

Judgement

Maresh Chandra Sharma, J.

Accused respondent Jamal was tried for offence under Sections 7/16 of the Prevention of Food Adulteration

Act by the learned Munsif & Judicial Magistrate, 1st Class, Nasirabad. At the conclusion of trial, the learned Magistrate on appreciation of

evidence and on hearing the Learned Counsel for the parties came to the conclusion that the prosecution has not been able to prove the charge

against the accused respondent beyond doubt and accordingly, acquitted the accused-respondent of the offence charged with.

2. I have heard Learned Counsel for the parties and perused the impugned judgment and the evidence on record.

3. As per the prosecution case, the accused respondent was found selling adulterated milk. PW1 Inderjeet Singh, Food Inspector took samples of

cow milk from the accused respondent and after observing necessary formalities, sent the sample of cow milk for analysis to the Public Health

Laboratory. The Analyst examined the milk and submitted report Ex. P7. This report shows that there was 4.3% fat content and 7.64% solid non-

fat in the sample of cow milk. The Analyst of Public Health Laboratory opined that ""this sample of cow's milk is adulterated as it does not conform

to the standard prescribed under the Prevention of Food Adulteration Rules. Thereafter, on the application of accused respondent, second sample

of the cow milk was sent for analysis to the Central Food Laboratory, Ghaziabad. The test report Ex. P15 submitted by the Director, Central

Food Laboratory indicates that the sample contained milk fat (Gerber method) to the extent of 4.0% and milk solids not fat to the extent of 7.4%.

Under the Prevention of Food Adulteration Act, the standard of fate in the cow milk is 3.5%, whereas, on analysis the fate in the sample of cow

milk was found to be 4.0%. Thus, only 0.5% fat was found to be on higher side as against the prescribed standard. The solid not fat was found to

be on lessor side. According to the report Ex. PI 5, solid not fat in the sample of cow milk was 7.4%, whereas the standard fat as has been

prescribed under the PFA Rules is 8.5%. Thus the solids not fat contents were less by 1.1% as compared to the standard prescribed. Generally,

on mixing water with the milk, the milk got adulterated. If the milk is adulterated, the extent of fat is been a to be less than the prescribed

standard. The milk can be said to be adulterated only when fat and solid not fat both are found to be on lessor side. In the instant case, the

extent of fat in the sample of cow milk was in excess to the extent of 0.5%, while the solid not fat was found to be less by 1.1%. In these

circumstances, it cannot be said that the accused respondent was guilty of selling adulterated milk. The learned trial court after considering every

aspect of the matter and relying upon the case law cited at the bar has rightly come to the conclusion that the milk has not been found to be

adulterated. The judgment of the trial court acquitting the accused respondent of the offence charged with, therefore, calls for no interference.

4. For the reasons indicated hereinabove, the appeal filed by the State of Rajasthan fails and the same is hereby dismissed after confirming the

judgment and order of acquittal dated 05.05.1989 passed by the Munsif and Judicial Magistrate, Nasirabad. The accused respondent is on bail

and need not to Surrender. The bail bonds stand discharged.