

(1982) 01 AHC CK 0059

Allahabad High Court

Case No: Criminal Revision No. 490 of 1981

Sobran Singh

APPELLANT

Vs

State of U.P.

RESPONDENT

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**Date of Decision:** Jan. 11, 1982**Acts Referred:**

- Prevention of Food Adulteration Act, 1954 - Section 13(2), 16, 7

**Citation:** (1982) 6 ACR 290**Hon'ble Judges:** V.N. Misra, J**Bench:** Single Bench**Final Decision:** Dismissed

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### Judgement

V.N. Misra, J.

This is an application in revision by Sobran Singh against the judgment and order of Sri O.N. Asthana, IV Additional Sessions Judge, Mainpuri dated 6-2-1981 by means of which he dismissed Criminal Appeal No. 244 of 1980 and upheld the conviction and sentence of the applicant u/s 7/16, Prevention of Food Adulteration Act.

2. The first point raised in this revision was that at the time when the Food Inspector took the sample of goat milk it was kept in a Karahi for boiling and because it is known that every time the milk is kept for boiling some water is mixed with it, therefore, on being examined the non-fatty contents of the milk were found deficient. It is true that whenever a milk is kept for boiling some water is mixed with it, but the water mixed is more or less nominal whereas the non-fatty contents of the milk were found deficient by 22%, which would indicate that the milk examined was very much adulterated.

Then, it was urged that no public witness was taken and the testimony of the Food Inspector and the Supervisor who was of the same department was partisan and could not be accepted. It is true that no public witness was examined though the sample of the milk was drawn from the market but the Food Inspector said that he

could not examine any public witness because people in the market did not agree to testimony as witnesses. It is very well known that people in the market do not generally agree to appear as witnesses because of their associations with the person involved and since it was explained why public witnesses were not taken therefore it did not matter that the witnesses were the Food Inspector himself and the Supervisor.

3. Lastly, it was urged that Section 13(2) of the Food Adulteration Act was not complied with because report of the Public Analyst was not given to him and he was denied the opportunity of sending this sample of milk to the Central Food Laboratory at Calcutta. This matter was, however, dealt with by the Munsif-Magistrate in his judgment who wrote that a copy of the report of the Public Analyst was sent to the applicant/as shown by the carbon copy of the letter its entry in the despatch register and the postal receipt, Exts. 9, 10, 11 and 12. This clearly proved that the copy of the letter was sent to him but was not taken. Section 13(2) of the Act was, therefore, complied with and the applicant had to thank himself because he could not send the sample to the Central Food Laboratory at Calcutta. Thus, none of the three points raised in the revision prevail and this revision must be dismissed.

4. The revision is, therefore, dismissed and the conviction and sentence of the applicant are maintained. The applicant is on bail. He shall be taken into custody forthwith and sent to jail to serve out his sentence.