

(2001) 02 DEL CK 0150

Delhi High Court

Case No: Criminal Revision No. 49 of 1987

Mohd. Ashan and Another

APPELLANT

Vs

Delhi Administration

RESPONDENT

Date of Decision: Feb. 9, 2001

Acts Referred:

- Prevention of Food Adulteration Act, 1954 - Section 16, 20, 7

Citation: (2001) 91 DLT 169 : (2001) 58 DRJ 265 : (2001) 4 RCR(Criminal) 166

Hon'ble Judges: R.S. Sodhi, J

Bench: Single Bench

Advocate: Jayant Sud, for the Appellant; None, for the Respondent

Final Decision: Allowed

Judgement

R.S. Sodhi, J.

Criminal Revisional No. 49/97 is directed against the order of the learned Additional Sessions Judge, Delhi dated 4.3.1987 holding the petitioners guilty u/s 7/16 of the Prevention of Food Adulteration Act. The only ground taken before me by learned Counsel for the petitioners is that the sanction u/s 20 of the Act is bad for reasons that sanction Order was without application of mind.

2. He has drawn my attention to various judgments in Nand Kishore and Anr. v. State (Delhi Administration), 1991 FAC 220; 44(1999) DLT 247 the learned Single Judge of this Court while disposing of revision petition on the same grounds held that the Sanction was not valid for the reason that except for filling in the name of Food Inspector, who had taken the sample, the date of taking the sample, and the name of the accused, the rest of the proforma was merely a cyclostyled proforma. Therefore, on perusal of the sanction order the learned Judge held that there was lack of application of mind on the part of the sanctioning authority.

3. He has drawn my attention to the judgment in Harjit Singh v. State, 1998 FAC 370, where another learned Single Judge of this Court while disposing of a criminal

revision has held that except for filling in the proforma such as name of the accused, the same of what commodity, the name of the Food Inspector and under what provisions the accused has been prosecuted, nothing more is mentioned. It becomes abundantly clear from perusal of the sanctioning order that the sanction was granted in a mechanical manner and without any serious application of mind and because sanction to prosecute is an important matter, it is necessary that authority granting sanction must apply its mind.

4. He has produced one order of sanction. From a perusal of the same it appears that except for filling in the blanks regarding sample taken and the date on which the sample was taken as also the name of the Food Inspector, rest is made in a cyclostyled proforma. A bare reading of the same does not give any indication that the Sanctioning Authority has applied its mind to the offence that had been committed and/or the export of finding in the report.

5. In this view of the matter, I hold that the sanction order is bad to non-application of mind. Criminal Revision No. 49/87 of the learned Additional Session Judge is set aside. Fine deposited, if any, be returned.

6. Revision allowed.