

Court No. - 69

Case :- CRIMINAL REVISION No. - 4198 of 2011

Revisionist :- Eadal Singh

Opposite Party :- State of U.P. and Another

Counsel for Revisionist :- Raghbir Singh

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Samit Gopal,J.

1. List revised.
2. Heard Sri Santosh Kumar Yadav, learned counsel for the revisionist and Sri Virendra Pratap Singh, learned counsel for the State and perused the material on record.
3. The trial court records have been received which have also been perused.
4. The present revision under Sections 397/401 Cr.P.C. has been preferred by the revisionist- Eadal Singh against the judgement and order dated 24.09.2011 passed by ADJ, Court No. 7, Agra in Criminal Appeal No. 27 of 2010 (Edal Singh Vs. State of U.P. and others) and order dated 16.01.2010 passed by ACJM-I, in complaint case No. 3061 of 1994, under Section 7/16 PFA Act, P.S. Chhatta, District Agra whereby the revisionist has been convicted and sentenced for one year rigorous imprisonment along with fine of Rs. 1,500/-.
5. The prosecution case is that the revisionist was carrying milk in cans which were displayed for sale. On a suspicion of the same being adulterated, the Food Inspector collected 669 ml milk and the same was equally divided in three bottles in which 18 drops of formalin each was added for preserving it.
6. Learned counsel for the revisionist argued that the milk which unless stirred has different consistency as fat material settles being heavy in it. It is argued that the present revision thus be allowed and the judgment and order of conviction be set aside since the prosecution is bad in the eyes of law.
7. After having heard learned counsel for the parties and perusing the records, in the matter since the milk before taking of its sample was not stirred and homogenized there are good chances of the upper part being taken from the cans which would be found deficient. In view of the same, it is apparent

that the milk taken by the Food Inspector in cans is not stirred and homogenized.

8. The present revision is **allowed**. The impugned judgement and order dated 24.09.2011 passed by ADJ, Court No. 7, Agra and the judgement and order dated 16.01.2010 passed by ACJM-I, Agra are hereby set aside.

9. The revisionist- Eadal Singh is acquitted of the charge levelled against him. The revisionist is on bail. His bail bond is cancelled and sureties discharged.

10. Office is directed to transmit the copy of this judgement along with the trial court records to the concerned trial court forthwith for its compliance and necessary action.

Order Date :- 20.11.2023

M. ARIF

(Samit Gopal, J.)