

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CRIMINAL APPEAL NO. 709 OF 2003**

The State of Maharashtra,  
at the instance of complainant  
Food Inspector D.K. Sawant,  
R/o Nanded

.. Appellant  
(Orig. Complainant)

VERSUS

Arjun S/o Pralhad Zade  
Age 31 years, Occu.: Business,  
R/o. Nanded

.. Respondent  
(Orig. Accused)

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Mr. N.T. Bhagat, A.P.P. for the appellant/State  
Mr. S.N. Lavekar, Advocate for the respondent

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**CORAM : M.T. JOSHI, J.**  
**DATE : 26/11/2015**

**ORAL JUDGMENT :**

Heard both sides.

2. Aggrieved by recording of acquittal of the present respondent from the offences punishable under section 16(1)(a)(i)(ii) of the Prevention of Food Adulteration Act by the learned Additional Sessions Judge, Nanded vide judgment and order dated 21/07/2003 passed in criminal appeal no. 89 of 1995, the present appeal is preferred by the State.

3. The prosecution case in short is that the present respondent being a retailer was selling the groundnut oil, which had contains of the castor oil. On 08/10/1992, Food Inspector Mr. Dilip Sawant had visited the shop of the present respondent. The groundnut oil being sold by the respondent was purchased and the samples were prepared as per the rules. Thereafter, one of the sample was sent to the Public Analyst. It was found that there was castor oil in the said sample. In the circumstances, after taking necessary steps of grant of sanction etc., the complaint was filed.

4. The learned Chief Judicial Magistrate, Nanded had convicted the present respondent. The learned Additional Sessions Judge essentially found that the Public Analyst's report would show that the sample clearly met the test and qualities of the purity of the groundnut oil, however, it was reported that it contained some castor seed oil without mentioning the proportion of the same in the sample. In the circumstances, finding that the report of the Analyst is

vague and the proportion of the castor oil is not mentioned, the respondent was acquitted.

5. Upon hearing both sides and finding that since the Public Analyst was unable to find the proportion of the extraneous article i.e. castor oil, in my view, the learned Additional Sessions Judge has rightly acquitted the present respondent. In the result, the following order:-

6. The Appeal is hereby dismissed. Bail bonds, if any, of the present respondent shall stand cancelled.

**[M.T. JOSHI]**  
**JUDGE**

arp/