

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 30 OF 2014**

1. V-Guard Industries Limited,
a Public Company incorporated under
the Companies Act, 1956, having its
registered office at 33/2905 F,
Vennala High School Road,
Vennala P.O., Kochi – 682 028, Kerala.
Represented by its whole time Director,
V. Ramachandran
(Presently also nominee-director under
Section 49 of the Legal Metrology Act,
2009), son of S. Venketaraman,
aged 49 years, married, Indian National,
resident of Flat No. 16-A,
Mather Mason D'Or,
Panampilly Nagar, Ernakulam,
Kochi – 682 036, Kerala.
 2. Dr. George Sleeba,
S/o late P.K. Sleeba,
aged 63 years, married,
Indian National, resident of
32/2595, Mamangalam,
Palarivattom, P.O.
Kochi – 682 025, Kerala.
(Presently Director, HR & Production
of Petitioner-1 company and formerly
Nominee-director, under Section 49 of
the Legal Metrology Act, 2009. ... Petitioners
- Versus
1. State of Goa,
Through the Inspector
of Legal Metrology,

Mapusa-Goa.

2. M/S Renz Marketing,
D-3/8, Mapusa Industrial Estate,
Dattawadi, Mapusa, Goa.
By Proprietor: Keith Alvares,
Major in age.
3. Mr. Keith Alvares, Proprietor,
M/S Renz Marketing,
D-3/8, Mapusa Industrial Estate,
Dattawadi, Mapusa, Goa.
4. M/S Coltors Goa,
F-1A, Colvalcar Centaur,
Opp. Parade Ground, Campal,
Panaji-Goa.
By Proprietor,
Gauresh P. Prabhu Colvalcar.
5. Mr. Gauresh P. Prabhu Colvalcar.
Major in age,
Proprietor of M/S Coltors Goa,
F-1A, Colvalcar Centaur,
Opp. Parade Ground, Campal,
Panaji-Goa.

... Respondents

Mr. Chacko George, Senior Advocate with Advocate H. Ramnam for
the Petitioners.

Mr. D. Lawande, Addl. Public Prosecutor for the Respondents.

CORAM: M. S. SANKLECHA, J.
DATE: 28TH APRIL, 2015.

ORAL ORDER:

This petition under Section 482 of the Criminal
Procedure Code 1973 read with Article 227 of the Constitution of

India seeks quashing of Criminal Complaint dated 19/8/2013 filed by the Inspector Legal Metrology in the Court of Judicial Magistrate First Class (JMFC) at Mapusa.

2. It is agreed between the counsel that in view of the decision rendered today in Writ Petition No.509/2013, the basis of the challenge in Criminal writ petition No.30/2014 stands substantially covered against the petitioner.

3. However, it is submitted by Mr. George, learned Senior Counsel for the petitioner that the complaint filed before the JMFC has inter alia invoked Section 36 of the Legal Metrology Act, 2009, (the Act) which according to him would have no application in the facts of the present case. Mr. George, learned Senior Counsel sought to establish the same by interpreting Section 36 of the Act to suggest that it would have application only when the declaration on the packing does not conform to the particulars of the commodities packed and not in any other case.

4. This is an issue which could be urged by the petitioner before

the JMFC in the complaint which has been filed by the State. Needles to state that the same would be considered by the JMFC on its own merits.

5. In view of the decision rendered in the accompanying Writ Petition No.509/2013 and the decision of this Court in Writ Petition no.648 of 2013 “Indian Oil Corporation Ltd. Vs. The Controller of Legal Metrology, rendered on 31/1/2014, no occasion to entertain this petition can arise.

6. Accordingly, the petition is dismissed. All contentions are left open to be urged before the JMFC in the pending complaint.

M. S. SANKLECHA, J.

AP/-