

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 526 OF 2014

M/s. 3M India Limited & Ors. ... Applicants.

V/s.

State of Maharashtra and Anr. ... Respondents.

Mr. Subodh Desai a/with Mr. Peshwan Jehangir Mr. Anindya Basarkod, Ms. Akruti Sarkar, Advocate for the Applicants.
Smt. A. A. Mane, A.P.P. for the State.

CORAM : M.L.TAHALIYANI,J.
DATE : 09th JUNE, 2015

P.C. :

1 Admit. Heard finally.

2 Heard the learned counsel appearing for the Applicants and learned additional public prosecutor for the Respondents.

3 The applicants are prosecuted for the offence punishable under section 36(1) of the Legal Metrology Act, 2009, for having violated Rule 6(2) of the Legal Metrology (Packaged Commodities) Rules, 2011. Rule 6(2) of the said Rules runs as under :

“6(2) Every package shall bear the name, address, telephone number, e-mail address, if available, of the person who can be or the office which can be, contacted, in case of consumer complaints.”

4 It is alleged in the complaint that the applicants failed to mention e-mail address of the person or the office who can be contacted by the consumer. In this regard, it may be mentioned here that the e-mail address is necessary to be mentioned on the packaged material, if it is available. I have gone through the complaint, which is at Exh.'H' of the criminal application. It no where states the particulars of e-mail address of a person or the office, which could have been mentioned by the applicants. The mentioning of the e-mail address is necessary, if it is available. Therefore, it was incumbent on the part of the respondent/complainant to allege in the complaint that a particular e-mail address was available and that it was not mentioned on the packaged material. There is no such averments in the complaint. Hence, the prosecution cannot be allowed to be continued. It needs to be quashed.

5 The prosecution pending against the applicants before the Additional Chief Metropolitan Magistrate, 22nd Court Andheri vide Complaint No. 9/SWM/13 shall stand quashed. The bail bonds of the applicants, if any, shall stand cancelled.

(JUDGE)

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