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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1178 OF 2014**

PepsiCo India Holdings Pvt. Ltd. ... Applicant

Versus

The State of Maharashtra and another ... Respondents

Mr. I.M. Chagla with Mr. Riyaz Chagla with Mr. Rajesh Batra i/by Mr. Rajeev Talasikar for the applicant.

Smt. A.A. Mane, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JUNE 23, 2015**

P.C.

Heard learned senior counsel for the applicant and learned A.P.P. for the State.

2. Admit. Heard finally.

3. The applicants are prosecuted for the offence punishable under sections 273, 337 read with section 34 of the Indian Penal Code. The applicants manufacturers of soft drinks described as Leher Pepsi. It was found that the drink supplied to the complainant in the Hotel at Marine Drive namely Marine Plaza was contaminated with sludge and debris. The matter was reported to police and after long time FIR was registered. The alleged drink was sent to the Chemical Analyzier for analysis. The Laboratory of Municipal Corporation of Greater Mumbai found that the drink contained

inedible foreign matters (pieces of paper). This report was sent to police on 23rd August, 2005. The chargesheet was filed on 14th December, 2007 i.e. about 2.1/2 years after the receipt of the report of C.A. The punishment provided for both the offences is not more than six months. As such the limitation for taking cognizance of both the offences was one year. Learned Magistrate could not have taken cognizance of both the offences after expiry of one year from the date of receipt of report of laboratory. Since the cognizance is taken after expiry of limitation period, the order passed by the Magistrate is bad in law. Therefore, the proceedings pending against the applicants need to be quashed under section 482 of the Code of Criminal Procedure. Hence, I pass the following order :

The proceedings pending against the petitioners in the court of learned Additional Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai vide Criminal Case No. 644/PS/2007 for the offences punishable under sections 273 and 337 read with 34 stand quashed. Bail bonds, if any shall be cancelled. The application accordingly stands disposed of.

(JUDGE)