

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1683 of 2015 ()

CC 145/2005 of C.J.M.,THRISSUR

REVISION PETITIONER(S)/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA

2. THE FOOD INSPECTOR
THRISSUR CORPORATION

BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

RESPONDENT(S)/ACCUSED:

NEELAKANDAN P.
VAKAYIL HOUSE, P.O.CHIYYARAM, THRISSUR 680026

BY ADV. SRI.SANTHOSH P.PODUVAL
BY ADV. SMT.R.RAJITHA
BY ADV. SMT.VINAYA V.NAIR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1683 of 2015

Dated this the 17th day of December 2015

O R D E R

The respondent herein is the accused in C.C.No.145 of 2005 on the files of the Court of the Chief Judicial Magistrate, Thrissur. A complaint was filed against the respondent alleging offence under Section 2(ia)(a)7(i)7(V) 16(1)(a)(i) read with item A.11.01.11 of Appendix B of P.F.A. Rules 1955.

2. The prosecution allegation is that on 11.2.2005 at about 10.45 a.m., the Food Inspector purchased samples of curd prepared from toned milk from the business premises of the respondent and when the sample of the said milk

was analysed by the Public Analyst, it was found to be adulterated as the sample did not conform to the standards prescribed for that food item.

3. After the appearance of the respondent before the court below, the court below discharged the respondent under Section 245 of the Code relying on the decision of the Apex Court in **Pepsico India Holdings Pvt. Ltd. v. Food Inspector and another** (2011(1) SCC 176). Aggrieved by the said order, this revision petition has been filed.

4. Heard.

5. Admittedly, no laboratory had been particularly specified under the P.F.A. Act for analysis. No validated method of analysis has been also prescribed. In the

absence of any prescribed validated method of analysis under Section 23(1A)(ee) and (hh) of the P.F.A. Act, the report of the analysis produced before the court cannot be accepted to hold that the sample was adulterated in view of the decision of the Apex Court in **Pepsico India Holdings** (supra). In the said circumstances, the court below was correct in discharging the accused under Section 245 of the Code of Criminal Procedure.

In the result, this revision petition stands dismissed.

SD/-

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/18.12.2015

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PA to Judge