

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR No.767 of 2005

Date of Decision: July 01, 2015

State (Food Inspector), U.T. Chandigarh

...Petitioner

Versus

Babu Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sukant Gupta, Addl. P.P. U.T. Chandigarh.
for the petitioner.

None for the respondent.

FATEH DEEP SINGH, J.

The Food Inspector, Union Territory Chandigarh on 19.10.2000 around 8.30 a.m. had drawn samples from 40 litres of buffalo milk meant for public sale in the possession of the accused Babu Singh after undergoing necessary formalities of filling in Form-VI. Report of the Public Analyst had opined that the sample was found to be deficient in milk fat by 13% and milk solids not fat by 31% of the minimum prescribed standard for buffalo milk. The accused was prosecuted and it is during the course of proceedings the present criminal revision was filed by the State against the orders of learned Chief Judicial Magistrate, Chandigarh dated 24.5.2004 discharging the accused.

This Court vide order dated 12.4.2013 had framed the following important questions of law arising in this

revision petition to be referred for decision by the Larger Bench:-

1. Whether complainant-Food Inspector, acting as de facto food Inspector but who had not undergone requisite training, was competent to purchase the food article for analysis and could maintain complaint under the Prevention of Food Adulteration Act, 1954 for prosecution of the respondent accused?
2. Whether the complainant-Food Inspector if held to be not competent to take sample as Food Inspector could be treated as private purchaser of the food article for analysis under Section 12 of the Prevention of Food Adulteration Act, 1954 and could maintain complaint for prosecution of the respondent accused under proviso to Section 20(1) of the said Act?

This Court answered the reference through its findings dated 26.8.2013 holding that even a Food Inspector who has not undergone the requisite training was competent to purchase food articles for analysis and to maintain a complaint under the Act even as a public servant or in the capacity of a consumer. Keeping in view that the very basis of the orders of the discharge revolved around this very issue as the learned trial Court purely on the premise that the Food Inspector had not undergone requisite training had discharged the accused and, therefore, in view of the findings returned by the reference Court it is necessitated that the matter be heard and disposed off on merits by the trial Court.

In the light of the same, the instant revision petition, thus, stands allowed and the case is remanded back to the trial Court to proceed ahead into the matter as per law.

(FATEH DEEP SINGH)
JUDGE

July 01, 2015
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