

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.8689 OF 2012

ORDER:

This Criminal Petition, under 482 Cr.P.C. is filed by the petitioners/A.2, A.3 and A.5 seeking to quash the proceedings in C.C.No.562 of 2007 on the file of II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District.

2. The case of the prosecution is that on 22.05.2004 at about 12:30 PM, L.W.1 went to Om Sai General Stores for inspection. At that time, A.1 was present in the shop and transacting the business. Then L.W.1 disclosed his identity and purpose of his visit. During the course of inspection, L.W.1 found stock of 10 sealed packets of Mango bite sugar boiled confectionery (parle) 500 grams in a cartoon box with other food articles. On suspicion of adulteration, L.W.1 purchased three sealed packets of Mango bite sugar boiled confectionery (parle) 500 grams and paid cost of the same to A.1 and obtained cash receipt. Thereafter, notice in Form-VI and served on A.1 informing him that the abovementioned product would be sent to Public Analyst, State Food Laboratory, Hyderabad, for analysis. The Public Analyst, after causing analysis of the sample, opined that the sample does not conform to the standards of Total Dye content and is therefore, adulterated. After according written consent from the Director, Institute of Preventive Medicines, prosecution was launched against the accused persons.

3. Learned counsel for the petitioners/A.2, A.3 and A.5 submits that sample was lifted on 22.05.2004, whereas compliant was

signed and filed by the Food Inspector on 20.12.2007, i.e., after elapse of three years seven months and it is barred by limitation and that continuation of proceedings against the petitioners is nothing but abuse of process of law.

4. Admittedly, sample was lifted on 22.05.2004, but complaint was lodged on 20.12.2007. Since the complaint has not been filed within three years and sample is food product i.e., chocolate and if it is kept for such a long time, the petitioners lost their valuable right of sending the sample for re-analysis to the Central Food Laboratory under Section 13 (2) of the Food Adulteration Act as the natural consequences that follows resulting in decomposition of the sample article and no useful purpose would be served by sending the sample for analysis and hence, continuation of proceedings against the petitioners in C.C.No.562 of 2007 on the file of II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District is abuse of process of law and the same are liable to be quashed.

5. Considering the facts and circumstances of the case and submissions of learned counsel for the petitioners, the Criminal Petition is allowed and the proceedings in C.C.No.562 of 2007 on the file of II Additional Judicial Magistrate of First Class, Madanapalle, Chittoor District, against petitioners/A.2, A.3 and A.5 are hereby quashed.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE RAJA ELANGO

27.08.2016
YVL

THE HONOURABLE SRI JUSTICE RAJA ELANGO



CRIMINAL PETITION No.8689 OF 2012

Date: 27.08.2016

YVL