THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL REVISION CASE No.1081 of 2006

ORDER:

The revision petitioner is a Firm carrying on business of packaged drinking water/purified drinking water. When the Gazetted Food Inspector inspected the unit, he found that the unit was running without Bureau of Indian Standards Certification and, thereby, he submitted his report. Upon such report, respondent No.2 – Revenue Divisional Officer and Sub-Divisional Magistrate, Kothagudem, issued notice, dated 20.05.2006, under Section 133 of the Criminal Procedure Code (for short, 'the Code'), for infraction of the said provision, directing the Proprietor to cease carrying on the said business and remove the same within 15 days or to appear before the authority on 05.06.2006, to show cause as to why the order should not be enforced.

The Proprietor gave explanation on 05.06.2006. But, however, having not convinced with the explanation offered by the Proprietor of the revision petitioner, respondent No.2 issued order, dated 16.06.2006, in Rc.No.F/575/2006, informing that the notice issued under Section 133 of the Code is made absolute and issued direction to cease carrying on the said business on or before 20.06.2006 and also informed that if the order is not complied, further course of action would be initiated as per the provisions of Section 141 of the Code. The said order is challenged in the present revision case.

In fact, the petitioner obtained interim stay on 26.06.2006. Thereafter, on 21.11.2017, when called, there was no representation for the revision petitioner. However, the learned Additional Public Prosecutor for the State of Telangana was heard and the matter was directed to be listed today under the caption 'for orders'.

When the infraction is pointed out by respondent No.2 and time was given to cease carrying on the business run by the revision petitioner, the revision petitioner is obligated with the duty to come out whether he has BIS Certification or not and, in case any exemption is granted, the same ought to have been stated in the grounds of the present revision. No doubt, various aspects have been mentioned in the grounds, but they do not have any bearing on the alleged infraction. The revision petitioner banks upon the factum of payment of commercial taxes under APGST Act, 1957, but the fact remains that when the relevant certification, as required by the provisions of Section 133 (b) of the Code, is not complied, the order of respondent No.2 that the business being carried on by the revision petitioner was dangerous to human life and injurious to public health and, thereby, it attracts the provisions of Section 133 (b) of the Act, cannot be overlooked. Thus, there is no merit in the present revision.

The present Criminal Revision Case is, accordingly, dismissed.

As a sequel thereto, miscellaneous petitions, if any pending in the present revision, stand closed.

JUSTICE SHANKAR NARAYANA

22.11.2017
v v