

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.7243 of 2011

ORDER:

The criminal petition is filed by the petitioners seeking for quash of the proceedings in STC.No.2 of 2010 on the file of the Judicial First Class Magistrate, Penukonda, Anantapur District.

2. Heard counsel for the petitioner and the learned Public Prosecutor, who takes notice for R1.

3. The counsel for the petitioner mentions certain dates, which are relevant for the disposal of this petition. 14.10.2009 is the date of purchase; 28.09.2009 is the date of manufacture of the product, which is a milk packet and the shelf life of the product is 28.12.2009. The public analyst report is dated 25.11.2009 and notice under Section 13(2) of the Prevention of Food Adulteration Act, 1954 is given on 20.03.2010 i.e. after the expiry of the shelf life of the product. The counsel expressed that there is prejudice caused to the petitioner and by virtue of the delay caused in filing the report, the opportunity provided under Section 13(2) of the Act to send a sample for second analysis is lost. Learned counsel also relies on an order of this Court in CRLP.No.8407 of 2012 dated 25.11.2014 wherein the Court by considering the similar submissions and by taking into consideration the inordinate delay, not only in issuing notice, but also in launching prosecution against the accused, quashed the further proceedings.

Hence, following the aforesaid order and in terms thereof, the criminal petition is allowed and the further proceedings in

STC.No.2 of 2010 on the file of the Judicial First Class Magistrate, Penukonda, Anantapur District are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

November 14, 2017
DSK

T. RAJANI, J

