



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 19.04.2018

DELIVERED ON : 21.06.2018

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.842 of 2017

and

Crl.M.P.(MD)No.10383 of 2017

1.Mahendran Dominic

2.S.Saroja

... Petitioners/Accused Nos.1&2

Vs.

1. State Represented by,
District Revenue Officer cum
Additional District Magistrate,
Tirunelveli.
Tirunelveli District.

... Respondent/Respondent

2. The Food Safety Officer,
Vikramasingapuram,
Tirunelveli District.

... Respondent/Complainant

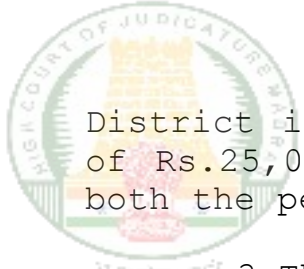
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records from the Additional District Magistrate, Tirunelveli, Tirunelveli District in Na.Ka.No.2/32154/2017 dated 10.10.2017 and to quash the same.

For Petitioners : Mr.V.Kathirvelu, Senior Counsel
For Mr.K.Prabhu
For Respondents 1 and 2 : Mr.M.Chandrasekar
Additional Public Prosecutor

ORDER

Heard Mr.V.Kathirvelu, learned Senior Counsel for Mr.K.Prabhu appearing for the petitioners and Mr.M.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

<https://hcservices.ecourts.gov.in/hcservices/>
2. THIS petition has been filed to quash the order passed by the Additional District Magistrate, Tirunelveli, Tirunelveli



District in Na.Ka.No.2/32154/2017 dated 10.10.2017 wherein a fine of Rs.25,000/- (Rupees Twenty Five Thousand only) was imposed on both the petitioners.

3.The allegation against the petitioners is that food sample of Sindhu Chicken 65 Mix powder was taken from the first petitioner on 20.04.2017 and the sample was sent for the analyses. The sample is misbranded. The complainant has requested the first respondent/District Revenue Officer cum Additional District Magistrate, Tirunelveli, Tirunelveli District to initiate the proceeding under Section 68 of the Food Safety and Standards Act, 2006 and the first respondent has issued notice to the petitioners to appear before him on 05.09.2017 at 11a.m. The petitioners appeared before the first respondent on 05.09.2017 and 03.10.2017. After enquiry, the first respondent has imposed a fine of Rs.25,000/- (Rupees Twenty Five Thousand only) to the petitioners on 10.10.2017 and the order was dispatched on 13.10.2017.

4.On the side of the petitioners, it is stated that the first petitioner is the whole Sale Dealer of the said chicken mix powder and the second respondent is the manufacturer. The sample was taken from the petitioners on 20.04.2017 and on analyses, it is decided as misbranded. The petitioners were not furnished with the document, namely, the copy of the complaint. Without giving an opportunity to the petitioners, the proceeding was passed by the first respondent. He prayed to set aside the order passed by the first respondent.

5.On the side of the respondents, it is stated that on analyses, it is found out that there was some adulteration in the food sample of Sindhu Chicken 65 Mix powder and both the petitioners have admitted the guilt and they filed letters to that effect. They have appeared before the first respondent twice. Before passing of this order, they have signed the statement admitting their guilt. It is further stated that the first respondent is right in imposing fine to the petitioners.

6.Records perused. The allegation against the petitioners is that they violated Section 68 of the Food Safety and Standards Act, 2006. The petitioners filed an admission statement before the first respondent. They have admitted the guilt and requested for a lenient view. Nowhere in the order, it is stated that the copies were furnished. Though the petitioners were present before the first respondent twice, the copies were not furnished to them. The copies of the charge-sheet and analyses report are to be furnished to the petitioners, then only their admission can be accepted. Accepting the admission of guilt without providing the necessary papers is not fair on the part of the first respondent. Hence, the order of the first respondent is hereby set aside and the matter was remanded back to the first respondent for conducting fresh enquiry after furnishing copies and giving sufficient opportunity



to the petitioners and to reconsider the matter in the light of the fresh enquiry.

7. With the above observation, this criminal revision case is disposed of. Consequently, CrI.M.P.(MD)No.10383 of 2017 is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Revenue Officer cum
Additional District Magistrate,
Tirunelveli.
Tirunelveli District.
2. The Food Safety Officer,
Vikramasingapuram,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madras Bench of Madurai High Court,
Madurai.
4. The Section Officer,
Criminal Section, (2 Copies)
Madurai Bench of Madras High Court,
Madurai

mrn

MK/KKR/SAR 2/09.07.2018/3P/6c

CrI. R.C.(MD)No.842 of 2017
21.06.2018