

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.1567 of 2014

ORDER:

The petitioner-Pradeep Kumar Chowdary, Managing Director of Acalmar Oils & Fats Limited (now Adani Wilmar Ltd.) maintained the present quash petition against the State of Andhra Pradesh through the Food Inspector, Division I, Nizamabad District-complainant and arrayed other two accused viz, Bompalli Sreedhar and Tatipamula Lingam respectively and endorsed as not necessary parties to the quash petition so far as the respondents 2 & 3 are concerned.

2. The sum and substance of the accusation in the criminal petition in relation to the food product in question is that the complainant seized the food product Vanaspati on 08.08.2018 and the sample collected at that time was sent by following the procedure on 11.08.2018 to the Public Analyst, State Food Laboratory, Nacharam, Hyderabad. The Public Analyst report received on 15.09.2008 opined that the sample does not conform to the standard of melting point and thereby adulterated. The sanction to the prosecution under Section 20 of the Prevention of Food Adulteration Act, 1954 was received from the Director, I.P.M, Food (Health) Authority, Narayanaguda, Hyderabad on 05.03.2009 and it is subsequent to the sanction the complaint filed. The shelf life of the product undisputedly shows six months, even counted from the date of seizure 08.08.2008 it was expired by 08.02.2009 and the sanction was long subsequent to that

and the prosecution filed was lying subsequent to that and the right of accused to send the second sample with the complainant to the Central Food Laboratory arises only after launching of the prosecution and supply of the document from his putforth appearance.

3. Having regard to the above, the continuation of prosecution is nothing but unjust and thereby, to sub-serve the ends of justice the prosecution ultimately with no purpose that could be served by its continuation can be quashed also from the expression of the Division Bench of this Court in **R. Hari Hara Reddy v. State of Andhra Pradesh**¹ and **Handi Instant Foods, Chennai v. State of Andhra Pradesh**² and the subsequent expression of the Apex Court in **Girishbhai Dahyabhai Shah v. C.C. Jani**³.

4. Accordingly, and in the result, this Criminal Petition is allowed and the proceedings in C.C. No.340 of 2009 on the file of the learned Additional Judicial First Class Magistrate at Nizamabad against the petitioner-A3 are hereby quashed and the bail bonds of the petitioner, if any, are cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

05.11.2018
MVA

¹ 2017 (2) ALD CrI. 662

² 2007 (1) ALD (CrI.) 316 (AP)

³ 2009 (15) SCC 64