



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI. A.(MD)No.269 of 2010

State represented by,
The Food Inspector,
Tirunelveli Municipal Corporation. .. Appellant/Complainant

Vs.

1. Senthil,
S/o.Velsami,
Senthil Stores,
5, North Radaveedhi,
Tirunelveli City.
2. Ayyamperumal,
S/o.Thambidurai,
Proprietor of Guru Cottage Industries,
Plot No.9, Elango Street,
Ganapathy Nagar, Villapuram,
Madurai - 12. .. Respondent/Accused

Prayer : This Criminal Appeal is filed under Section 378 of Cr.P.C., to allow the appeal and set aside the acquittal Judgment dated 05.05.2009 in S.T.C.No.630 of 2007 on the file of the learned Judicial Magistrate No.4, Tirunelveli and convict the respondents/accused as charged.

For Appellant : Mr.A.Robinson,
Government Advocate(CrI. Side)

JUDGMENT

The respondents herein were prosecuted in S.T.C.No.630 of 2007 on the file of the learned Judicial Magistrate No.4, Tirunelveli, for the offence under Sections 7(ii), 16(1) (a) (i) r/w 2(ix) (k) of the Prevention of Food Adulteration Act 1954 and Section 32(f) of the Prevention of Food Adulteration Act 1955. By Judgment dated 05.05.2009, the learned trial Magistrate acquitted the accused. Questioning the same, this Criminal Appeal has been filed by the defacto complainant.



2. After hearing the learned Government Advocate (Crl. Side) appearing for the appellant and going through the records, this Court is of the view that no interference is called for. The learned trial Magistrate in paragraph No.13 of the Judgment has given a strong and convincing reasons for acquitting the accused. This is the case of misbranding.

3. According to the complainant, ingredients have not been stated in the label of the packet concerned. But then, when the quantity contains below 20 grams, there is no need to mention the ingredients. It has been further found by the trial Court that all the other relevant details are very much found in the packets in question. Therefore, I am of the view that no interference is called for.

4. The Criminal appeal stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate No.4, Tirunelveli.
2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

Crl. A. (MD) No.269 of 2010
09.07.2019

pmu

AE/(01.08.2019) 2P 4C