

**Bail Slip**

The Revision Petitioner/Accused namely N.Saraswathi, w/o.Natarajan, was directed to be released on Bail made in CrI MP(MD)No.3/2013 in CrI RC(MD)No.788/2013 dated 16.12.2013 on the file of the Madurai Bench of Madras High Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C.(MD)No.788 of 2013

N.Saraswathi,
W/o.Natarajan,
Proprietor,
Nellai Shanthi Sweets,
No.7, Old Bus Stand Complex,
Madurai Road,
Tirunelveli.

... Petitioner/Appellant/Accused No.2

Vs.

State rep. by,
The Food Inspector,
Tirunelveli Corporation,
Tirunelveli.

... Respondent/Respondent/Complainant

Prayer : This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the entire records pertaining to the Judgment passed by the learned III Additional Sessions Judge, Tirunelveli, Tirunelveli District in C.A.No.55 of 2012 vide her Judgment dated 09.03.2013 by confirming the Judgment passed by the learned Judicial Magistrate No.IV, Tirunelveli, Tirunelveli District in S.T.C.No.1641 of 2010 on 04.07.2012 and set aside the same and consequently acquit the petitioner honourably.

For Petitioner : Mr.R.Anand

For Respondents : Mr.A.Robinson,

Government Advocate(CrI.Side).

ORDER

The petitioner was convicted and sentenced for the offence under Sections 16(1)(a)(i) r/w Section 7(2) r/w Section 2(9)(k) of the Prevention of Food Adulteration Act 1954 and Rule 32(b)(2) and 32(f) of the Prevention of Food Adulteration Rules, 1955. The conviction and sentence imposed by the trial Court was confirmed by the appellate Court also. Challenging the same, this Criminal Revision has been filed.



the Court adopts the same approach as adopted by the Hon'ble Supreme Court in Crl.A.No.214 of 2016. In the said Judgment, the Hon'ble Supreme Court held that even though the minimum term of imprisonment is contemplated in the Prevention of Food Adulteration Act 1954, the new Act contemplates only levy of fine. There is no minimum term of imprisonment provided in the new Act. The Hon'ble Supreme Court took a view that the benefit in the new Act can be given even in the pending prosecution under the old Act. In this case, the petitioner has been levied with 3 months Simple Imprisonment as well as fine. The fine amount has already been paid. The learned counsel appearing for the petitioner submitted that he would be satisfied, if the sentence is set aside.

3. The petitioner is a lady. She must be now aged around 65 years. It is also seen that the manufacturer was not arrayed as an accused. Taking note of these aspects, this Court even while maintaining the conviction imposed on the petitioner, sets aside the sentence of imprisonment. It is made clear that this order will not come in the way of the petitioner in applying for any license under the Food Safety Act.

4. With this observation, the Criminal Revision stands partly allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The III Additional Sessions Judge,
Tirunelveli, Tirunelveli District.
2. The Judicial Magistrate No.IV,
Tirunelveli, Tirunelveli District.
3. The Food Inspector,
Tirunelveli Corporation,
Tirunelveli.
4. The Principal Sessions Judge,
Tirunelveli
5. The Chief Judicial Magistrate
Tirunelveli
6. The Superintendent of Police,
Tirunelveli District



7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

8. The Section Officer,
Criminal Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R.ANAND, Advocate (SR-74344[F] dated 09/07/2019)

CrI. R.C.(MD)No.788 of 2013
08.07.2019

pmu

MK (27.08.2019) 3P 11C