

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1222 OF 2006

Pimpri Chinchwad Municipal Corporation ...Appellant

vs.

Shrikantilal Bhaulal Bhandari and Anr. ...Respondents

Mr.D.R.More a/w Mr.Shivram A. Gawade – Advocates for Appellant.
Mr.A.R.Kapadnis – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 27th MARCH, 2023

P. C. :-

1. Heard learned Advocate for the Appellant - Pimpri Chinchwad Municipal Corporation.
2. The Appeal was admitted on 24th November, 2006. The offence was for contravention of the provisions of Section 7(iv) read with Rule 50 and punishable under Section 16 of the Prevention of Food Adulteration Act, 1954. The case is based on contravention of Government Notification No. PFA / Notification / 574-2002/7 dated 23rd July, 2002. In fact, this Notification was subsequently quashed by the Hon'ble Supreme Court in a judgment delivered in case of

Godawat Pan Masala Products I.P. Ltd. V/s. Union of India and Others¹ This was also put to the Complainant during cross-

examination. He has denied that suggestion.

3. However, the trial Court delivered the judgment by referring that judgment in Para No.8. If the Notification is quashed, the foundation of the Complaint no more survives and that is why, the trial Court has rightly acquitted the Respondent-Accused. No other ground is agitated. So, there is no merit in the Appeal. Hence, it is dismissed.

[S. M. MODAK, J.]

1 (2004) 7 Supreme Court Cases 68