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*Crl.R.C.No.560 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.560 of 2023

1.Muneer

2.Gunasekaran

..... Petitioners

Vs

State Rep. By Food Safety Officer,  
Tiruppur

..... Respondent

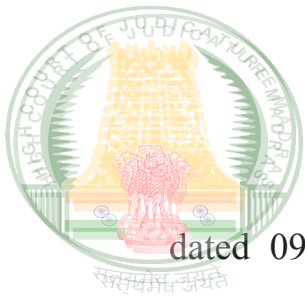
**PRAYER:** Criminal Revision Case is filed under Sections 397 & 401 of Cr.P.C., praying to set aside the judgment of the learned Principal Sessions Judge at Tiruppur in CA.No.81 of 2023 dated 09.02.2023 confirming the conviction and sentence passed by the learned District Munsif cum Judicial Magistrate, Uthukuli in STC.No.14 of 2020 dated 20.06.2022 and allow this criminal revision case.

For Petitioners : Mr.Ramachandran

For Respondent : Mr.A.Gopinath,  
Government Advocate(crl.side)

**ORDER**

This criminal revision case has been filed against the judgment of the learned Principal Sessions Judge at Tiruppur passed in CA.No.81 of 2023



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dated 09.02.2023, thereby confirming the conviction and sentence imposed against the petitioners by the learned District Munsif cum Judicial Magistrate, Uthukuli in STC.No.14 of 2020 dated 20.06.2022.

2. The case of the respondent is that the Food Safety Officer, Tiruppur had filed a private complaint before the District Munsif cum Judicial Magistrate, Uthukuli alleging that on 24.07.2019, at about 02.00 p.m., the Food Safety Officer, Tiruppur had inspected 'Rajastani Bakes and Sweets Shop run by the 2nd accused Muneer and during the said inspection, he found the 1<sup>st</sup> accused Siva, being the employee of A2 was working in the sales of the Bakery shop. During Inspection, it was revealed that A2 had not obtained food safety license for running the said bakery shop and he was found selling Ashwini Neelagiri Thendral Murukku in the sales counter, of which 8 packets were purchased by the complainant vide issuing sales receipt, Ex.P.2. The same was divided into four equal boxes and was sealed as samples in the presence of PW2/Manoj and his signature was obtained under Ex.P.13, Ex.P.1, Form-5A. The first accused under Ex.P.4 / reply declined to give his consent for the notice, Ex.P.3 for subjecting the sample for analysis. Thereafter, after communicating the same to the Designated Officer, PW3 vide letter, Ex.P.5 along with Ex.P6, Form-6, he couriered one sample for analysis and handed over the remaining samples to the



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custody of PW3 and obtained Ex.P.8/ acknowledgement. The Food Analyst submitted report, Ex.P.9 dated 28.08.2019 regarding tested sample with opinion as "unsafe" for the reason that the food contains, "Tartrazine", a prohibited coloring material. It also revealed that the sample was "Misbranded" for the reason that the packets were not labeled according to regulation of Food Safety and Standards (Packaging and Labeling) Regulation, 2011. On 04.09.2019, the copies of the report were forwarded by PW3 to the accused persons including its manufacturer along with the information about their right of appeal. However, no appeal was preferred by them. Thereafter, the Food Safety Officer requested for sanction from PW3 to prosecute the accused persons and the same was granted on 19.10.2019 by Food Safety Commissioner. The Food Safety Officer completing all the formalities contemplated under the Act, had filed the private complaint on 22.01.2020, within the prescribed period against the employee-A1, the Proprietor of the Bakery-A2 and the manufacturer of Ashwini Neelagiri Thendral Murukku'-A3 for the offence under Sections 52, 59(i) and 63 of Food Safety and Standards Act. On being satisfied with the prima facie case, the learned Judicial Magistrate, Uthukuli had dispensed the recordings of the pre-summoning evidence of the complainant and the case was taken cognizance for the offences under Sections 52, 59(1) and 63 of the Food Safety and Standards Act as STC.No. 14/2020 and summons were issued to the accused



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persons for their appearance. On appearance of the accused persons A1 to A3,

the copies of the statements of the complainant and the documents were furnished free of cost as contemplated under Section 207 of Cr.P.C., and the learned Judicial Magistrate had read over the acquisition against the accused persons as contemplated under Section 252 Cr.P.C. When the accused persons were questioned, they denied the same and claimed to be tried.

3. In order to bring home the offences charged against the accused, on the side of the complainant, PWI was examined and Exs.P.1 to P.12 were marked. PW2 and PW3 are independent witnesses examined on the side of the complainant to corroborate the testimony of the Food Safety Officer. On conclusion of trial, A1 was found not guilty for the offences under Sections 52, 59(i) and 63 of Food Safety and Standards Act. However, A2 was convicted and was sentenced to undergo simple imprisonment for one week and to pay a fine of Rs.50,000/-, in default, to undergo simple imprisonment for 3 weeks under Section 63 of Food Safety and Standards Act. A2 was also convicted and was imposed a penalty of Rs.20,000/-, in default, to undergo simple imprisonment for 2 weeks under Section 52 of Food Safety and Standards Act. He was also convicted and sentenced to undergo simple imprisonment for one week and was imposed a penalty of Rs.20,000/-, in default, to undergo simple imprisonment



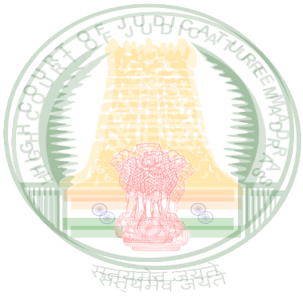
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for 2 weeks under Section 59(i) of Food Safety and Standards Act. A3 was convicted and was imposed a penalty of Rs.40,000/-, in default, to undergo simple imprisonment for 3 weeks under Section 52 of Food Safety and Standards Act He was also convicted and was sentenced to undergo simple imprisonment for two weeks and was imposed a penalty of Rs.40,000/-, in default, to undergo simple imprisonment for 3 weeks under Section 59(i) of Food Safety and Standards Act. Aggrieved by the judgment of the trial court, A2 and A3 filed criminal appeal, which was dismissed and the judgment of the trial court was confirmed. Therefore, A2 & A3 have filed this criminal revision case.

4. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

5. The learned counsel appearing for the petitioners submitted that now the petitioners are ready and willing to pay more penalty and therefore, he sought for modification of the sentence.

6. Considering the above submission and also considering the age of the petitioners, this Court is inclined to modify the sentences alone.



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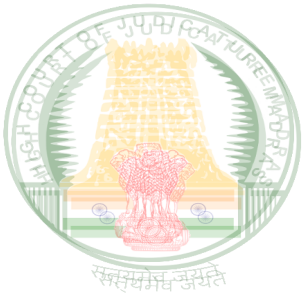
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7. Accordingly, the judgment of the learned Principal Sessions Judge at Tiruppur passed in CA.No.81 of 2023 dated 09.02.2023 and the judgment of the learned District Munsif cum Judicial Magistrate, Uthukuli passed in STC.No.14 of 2020 dated 20.06.2022 are modified as below:

(a) the conviction of A2 for the offences under Sections 63, 52 & 59(i) and the conviction of A3 for the offences under Sections 52 & 59(i) of Food Safety and Standards Act are confirmed.

(b) in respect of A2, the sentence for the offence under Section 63 of Food Safety and Standards Act is modified to the effect that “he shall pay a fine of Rs.70,000/-”, the penalty for the offence under Section 52 of Food Safety and Standards Act is modified to the effect that “he shall pay penalty of Rs.30,000/-” and the sentence for the offence under Section 59(i) of Food Safety and Standards Act is modified to the effect that “he shall pay penalty of Rs.30,000/-”

(c) in respect of A3, the penalty for the offence under Section 52 of Food Safety and Standards Act is modified to the effect that “he shall pay penalty of Rs.60,000/-” and the sentence for the offence under Section 59(i) of Food Safety and Standards Act is modified to the effect that “he shall pay penalty of Rs.60,000/-”



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In the result, this criminal revision case stands partly allowed.

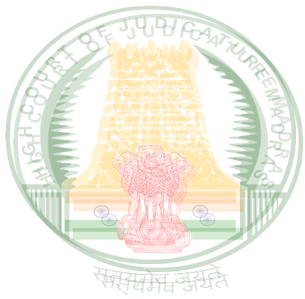
29.08.2025

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order  
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To

- 1.The learned Principal Sessions Judge at Tiruppur
- 2.The learned District Munsif cum Judicial Magistrate, Uthukuli
- 3.Food Safety Officer,  
Tiruppur
- 4.The Public Prosecutor,  
High Court of Madras

**G.K.ILANTHIRAIYAN, J.**



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