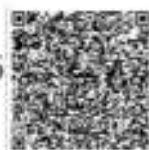


2026.PHHC.072745



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRR-2279-2009

Date of Decision: 11.05.2026

Sahdev

...Petitioner (s)

Vs.

State of Punjab

...Respondents(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Dr. Surya Parkash, Advocate and
Mr. Vikram Amarnath Garg, Advocate
for the petitioner.

Mr. Bhanu Partap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgement dated 25.08.2009 passed by the Court of Additional Sessions Judge (Adhoc) Fast Track Court, Mansa and the judgement of conviction and order of sentence dated 10.01.2007 passed by the Court of Chief Judicial Magistrate, Mansa, whereby the petitioner was held guilty for the commission of offence under Section 7/16 of the Prevention of Food Adulteration Act (hereinafter to be referred as **the PFA Act**) and was sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs. 1000 along with default stipulation.
2. Brief facts of the case of prosecution are that on 15.05.1996, complainant-Food Inspector, Dr. Rupinder Kumar, inspected the premises of petitioner Sahdev, situated near Gurdawara

Road, Bareta. Petitioner was having in his possession six packets of 250 gm. each tea leaves (Brooke Bond) for sale for human consumption. The Government Food Inspector (complainant) disclosed his identity to the petitioner and served a notice in form No. VI, prescribed under the Prevention of Food Adulteration Rules, 1955 (hereinafter to be referred as **the PTA Rules**) and purchased sealed three packets of 250 gm. Each of Brooke Bond tea leaves for a sum of Rs.60/-. Each packet was labeled and then wrapped in a strong thick paper. One sample packet was sent to the office of Public Analyst, Punjab, Chandigarh, as per the procedure prescribed under the Act and the Rules. Report of Public Analyst, Punjab, Chandigarh was received through Civil Surgeon-cum-District Health Authority, Mansa. The product was declared misbranded as the packet was not labeled in accordance with provisions of Rule 32 of the PTA Rules, as code/lot/batch number of the product was not given. M/s Narain Singh Sri Chand, accused No.2 before the trial Court (since deceased) was whole sale seller and Managing Director, Brooke Bond (accused No.3) was the responsible officer of the manufacturing company. On these allegations, complaint was filed against the petitioner and other persons.

3. After appearance of the petitioner before the Court, in pre-charge evidence, complainant side examined PW1 Dr. Rupinder Kumar, PW2 Dr. Kashmir Singh, PW3 Bhagwant Singh and PW4 Simarjit Singh. Thereafter, *prima facie* offence punishable under Sections 7 & 16 of the Act was found to be made out against the accused. Charge was

accordingly framed against the accused on 26.02.2005. Accused pleaded not guilty and claimed trial. PW1, Dr. Rupinder Kumar and PW2 Dr. Kashmir Singh were recalled for further cross-examination. Thereafter, complainant closed the evidence.

4. After the closure of the evidence of the complainant, the statement of the petitioner was recorded under Section 313 Cr.P.C. However, the petitioner denied the entire prosecution allegations and pleaded false implications. He stated that he had purchased the tea leaves vide invoice dated 27.11.1997 from M/s Narayan Singh Sri Chand vide will Ex. D1 with the warranty. He had purchased the tea leaves in sealed pack and sold it in the same condition.

5. Learned counsel for the petitioner contends that in the present case PW1 Dr. Rupinder Singh had taken the samples from packets of tea leaves (Brooke Bond) in the presence of PW2 Dr. Kashmir Singh and the same were got analysed from the Public Analyst, Punjab. As per the report of Public Analyst Ex. PG, the product was misbranded and it was not revealed in accordance with the provisions of Rule 32 of the PFA Rules as the code/lot/batch number of the product was not given. Learned counsel further referred to the testimonies of PW1 Dr. Rupinder Singh, Food Inspector and PW2 Dr. Kashmir Singh to contend that the samples were bearing code/number/batch number, etc. as required under Rule 32 of the PFA Rules. He further referred to the statements in detail and the relevant extract of both the statements has been reproduced below:-

“PW-1: Dr. Rupinder Singh (Further Cross Examination)

It is correct that tea packets were purchased for the same position as packeted by the company. It is also correct that the samples taken by us were having written on the packets the details of MRP, Code Packet No. and other formalities as required under Section 32 of PFA. The lot and batch no. were written on Ex.PB in detail and the same were copied from the tea packets.

RO&AC

CJM/05.10.2005

PW2: Dr. Kashmir Singh (Further cross examination)

It is correct that the tea packets (sick) purchased were in the same condition as packeted by the manufacturing company. It is also correct that the sample taken on that day by Dr. Rupinder Kumar in my presence, was having written on tea packet, the detail of MRP, Code, Packet No. and other formalities as required U/R 32 PFA. It is also correct that the lot and batch no. was written on Ex.PB in detail and the same were copied from the tea packet taken as sample.

RO & AC

CJM /21.12.2005”

6. Learned counsel further submitted that the Ex. PB, i.e., sample taking form-VI under Rule 12 of the Rules clearly indicated that the samples were bearing code numbers as required under Rule 32 of the Rules. Consequently, the report of public analyst Ex. PG was wrong and without any basis. Apart from that, PW1 Dr. Rupinder Singh and PW2 Dr. Kashmir Singh stated that the packets were in same condition as they were packeted by the company. Even, in the report of public analyst, it was not alleged that there was any tampering of misbranding of package by the petitioner, who is a retailer. Thus, the petitioner was protected under Section 19(2) of the Act.

7. On the other hand, learned State counsel referred to the findings recorded by both the Courts and submitted that the petitioner has raised several disputed questions of fact, which have already been decided by the Courts and the petition deserves to be dismissed by this Court.

8. I have heard learned counsel for the parties and perused the record carefully.

9. Rule 32 of the PFA Rules, 1955 framed under PFA Act, 1954 falls under Part VII pertaining to Packing and Labelling of Foods. Rule 32 provides that every prepackage of food to carry a label and shall not be described or presented on any label or in any labelling manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect. It further stipulates manner in which the manufacturing date is to be mentioned and packaging and labeling of the goods is to be done. It states that every label should have the name, trade name or description of the ingredients used in the product in descending order of their composition by weight or volume, as the case may be. It further details which preservatives are to be represented in which manner. It also specifies the size of the display, panel and such other details.

10. Hence, Rule 32 stipulates detailed, transparent, and strict labelling requirements for ensuring consumer awareness by preventing misleading food labels. It provides detailed guidelines for disclosure of the mandatory information such as name, ingredients, as net weight, etc; nutritional labelling such as Energy, Protein, Carbs, Fats; Food additive

information; thresholds of trans and saturated fats; clear date marking etc.

11. After hearing the learned counsel for the parties, I find sufficient force in the submissions made by learned counsel for the petitioner in the present case. PW1 Dr. Rupinder Singh, Food Inspector, had inspected the premises of the petitioner and had taken the samples. He admitted that on Ex. PB (form VI), he had given code number of tea packets purchased by him from the petitioner, which read as 9/95/C. He further admitted that tea packets were purchased in the same position as packaged by the company. He admitted that samples taken by them were having written on the packets the details of MRP, code, packet number, and other formalities as required under Rule 32 of the PFA Rules. The lot and batch number were written on Ex. PB in detail and the same were copied from the tea packets. Similarly, PW2 Dr. Kashmir Singh, in whose presence the sample was taken, also admitted that the tea packets were purchased in the same condition as packaged by the manufacturing company. He further admitted that the sample was having written on tea packet, the detail of MRP, code, packet number, and other formalities as required under Rule 32 of the PFA Rules. He admitted that the lot and batch number was written on Ex. PB in detail and the same were copied from tea packet taken as sample. Thus, from the admitted statements of both the prosecution witnesses, it is apparent that the public analyst report Ex. PG was without any basis and was liable to be rejected by both the Courts. It appears that the only lapse was that the code number was printed at a place other than the place meant for mentioning code

number. Due to this lapse on the part of the manufacturing company, it was unfair to convict the present petitioner. Apart from that, the bill Ex. D1 proved the fact that the petitioner had purchased the same article from its authorized dealer M/s Narain Singh Sri Chand, accused No.2, who had purchased the same articles from its manufacturing company vide bill Ex. D2. Apart from that, it also stands proved from the report of public analyst, Punjab that the seals were intact and unbroken. There was no tampering with the samples which were collected by the prosecution witnesses. Since, the petitioner had successfully proved that he had purchased the articles in sealed condition from various authorized dealers and he had sold it in the same condition without any tampering of any kind, he was entitled to the statutory protection under Section 19(2) of the PTA Act.

12. In view of the above discussion, the present petition is allowed. The impugned judgement dated 25.08.2009 passed by the Court of Additional Sessions Judge (Adhoc) Fast Track Court, Mansa and the judgement of conviction and order of sentence dated 10.01.2007 passed by the Court of Chief Judicial Magistrate, Mansa, are set aside and the petitioner is ordered to be acquitted of the charge.

13. Pending applications, if any, stand also disposed of, accordingly.

11.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No