
(1984) 01 P&H CK 0002
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 1648 of 1982

Banwari Lal

APPELLANT

Vs

The State of Haryana

RESPONDENT

Date of Decision : 02-01-1984

Acts Referred:

Prevention of Food Adulteration Act, 1954 — Section 7

Citation : (1984) 01 P&H CK 0002

Hon'ble Judges : A.S. Bains, J

Bench : Single Bench

Advocate : H.S. Sahney, for the Appellant; Harish Rathi, for A.G. (H), for the Respondent

Final Decision : Allowed

Judgement

Ajit Singh Bains, J.—The Petitioner was convicted for the offence u/s 7 read with Section 16 (1)(a)(i) of the Prevention of Food Adulteration Act, 1954 and sentenced to undergo rigorous imprisonment for six months and a fine of Rs. 1000/- or in default of payment of fine, to undergo further rigorous imprisonment for two months by the learned Additional Chief Judicial Magistrate, Jind. On appeal, his conviction and sentence was upheld by the learned Sessions Judge, Jind Hence this revision by the convict.

2. This petition is to be allowed in view of the principle of law as laid down by this Court in case M/S Sardari Lal & Company v. The State of Punjab (1983) 10 Cr.L.T. 183, wherein it is held that Curry powder and Garam Masala are different articles of food used for different purposes and since no standard is prescribed for Garam Masala. the standard fixed for Curry powder cannot be applied. In the present case also, the sample of Garam Masala was taken, which was found to be adulterated by the Public Analyst on the basis of the standard fixed for Curry powder. Accordingly this petition is allowed and the conviction and sentence as recorded by the Courts below is set aside. The Petitioner is on bail. His bail-bonds shall stand discharged.