

**(1966) 09 GUJ CK 0016**  
**In the Gujarat High Court**

Bhogilal Hargovandas Patel

APPELLANT

Vs

The State of Gujarat

RESPONDENT

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**Date of Decision :** 16-09-1966

**Acts Referred:**

Prevention of Food Adulteration Act, 1954 — Section 16(1)(i), 16(1)(i), 7

**Citation :** (1967) 8 GLR 64

**Hon'ble Judges :** V.B. Raju, J

**Bench :** Single Bench

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## Judgement

V.B. Raju, J.—The appellant was convicted u/s 16(1)(i) of the Prevention of Food Adulteration Act read with Section 7 of the said Act, for adulterating Dhana Dal by applying colour to it which was not permitted under Rule 28 of the Rules. Under Rule 28, yellow coal tar dyes are permitted...namely Tartrazine and Sunset Yellow. These colours are prohibited only in the case of food other than the substances enumerated in Rule 29. But Dhana-Dal is a product of Dhana or coriander, which is a fruit, which is popularly known as seed. As Dhana Dal is a product of fruit, Rule 29 permits the use of any colour. Moreover, there is no evidence to show that the colour used was not one of the two colours permitted by Rule 28. The Public Analyst has not stated what colour was used. He has not stated that it was not Tartrazine or Sunset Yellow. He has mentioned that "A yellow coal tar dye, which is not, permitted, is present". The question whether particular coal tar dye is permitted or not is for the Court to decide and not for the Director of the Central Food Laboratory. This Court cannot decide the point in the absence of evidence as to the exact yellow coal tar dye used.

2. For both these reasons the conviction and sentence of the appellant are set aside. The Learned Counsel for the appellant has also other points to argue, but they are not necessary to be considered.