
(2002) 10 SC CK 0019
In the Supreme Court Of India
Case No : Case No. 289/2002

Dharampal Satyapal Ltd.

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 28-10-2002

Acts Referred:

Constitution of India, 1950 — Article 226
Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 272, 273, 274

Citation : (2002) 10 SC CK 0019

Hon'ble Judges : Shivaraj V. Patil, J; S. B. Sinha, J; G. B. Pattanaik, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. In this bunch of cases the legality of the order of the High Court banning production, sale and advertisement of Pan Masala Gutka is the subject matter of challenge. It transpires from the records that in Crime Case No. 289/2002 under Sections 272, 273 and 274 of Indian Penal Code an application was filed by the accused persons under Article 226 of the Constitution read with Section 482 of the Criminal Procedure Code seeking prevention of their arrest. While entertaining that application the High Court passed the impugned order being of the opinion that the consumption of Pan Masala Gutka would lead to the incidence of mouth cancer. The impugned order indicates that the High Court was persuaded to pass the order as the High Court of Bombay had passed the similar order. It is not necessary for us to examine on merit the ground on which the High Court had passed the order in question. Suffice it to say that while entertaining the petition under Article 226/482 of the Cr.P.C. seeking prevention of arrest of the accused persons it would not be open for the High Court to pass prohibitory orders for sale and advertisement of Pan Masala Gutka even without noticing the aggrieved persons. In this view of the matter, we set aside that

direction of the High Court. We make it clear that the High Court would be fully justified to consider the matter on an appropriate application being filed.

3. The appeals are disposed of with these observations.