

(1989) 09 AP CK 0013

In the Andhra Pradesh High Court

Case No : Criminal Appeal No. 1086 of 1988

P. Venkateswara Rao

APPELLANT

Vs

G.B. Chandrasekhar and Others

RESPONDENT

Date of Decision : 07-09-1989

Acts Referred:

Prevention of Food Adulteration Act, 1954 — Section 9

Citation : (1989) 09 AP CK 0013

Hon'ble Judges : D.J. Jagannadha Raju, J

Bench : Single Bench

Advocate : T. Bali Reddy, for the Appellant; Public Prosecutor and Y. Narsimha Reddy, for the Respondent

Judgement

1. This is an appeal by the complainant against the judgment of acquittal dated 14th June, 1988 in a food adulteration case. The appellant is the complainant Food Inspector. The learned Magistrate has acquitted the accused on three grounds. One of the grounds for acquittal is that the complainant is not validly appointed as a Food Inspector and he does not have the necessary qualification for being appointed as a Food Inspector. The present appeal is filed only to challenge this particular finding. Mr. T. Bali Reddy, appearing for the complainant-appellant, frankly admitted that he is not now canvassing for the conviction of the accused from whom a sample of glucose was taken on 11-2-1984.

2. This Court had occasion to consider the arguments raised in this case in another appeal, Crl. A. No. 861 of 1988. The Court pronounced an elaborate judgment on 24-8-1989 in Crl. A. No. 861 of 1988. The present complainant is also a Food Inspector who was appointed along with the Food Inspector in Crl. A. No. 861 of 1988. The reasoning given by the learned Magistrate for holding that the complainant-Food Inspector is not duly qualified and he is not duly appointed as a Food Inspector is palpably wrong. The documents now filed along with the appeal clearly show that the complainant P. Venkateswara Rao, son of Veeraiah has completed the sanitary Inspector's training and obtained a certificate in the

year 1965. He was awarded a certificate dated 24-8-1966. Subsequently he worked as Sanitary Inspector and Health Inspector, which are posts of the same cadre. While a person working in the Panchayat areas is designated as Health Inspector, a person working in the Municipal areas will be designated as Sanitary Inspector. The documents also show that P. Venkateswara Rao had undergone the prescribed training for Food Inspectors from 12-3-1981 to 11-6-1981 and he was awarded a certificate on 30-7-1981 by the Drugs Controller and Food (Health) Authority. In G.O.Ms. No. 186 Medical and Health dated 26-2-1982, P. Venkateswara Rao, who was then working in the District Malaria Office Guntur, was appointed as a Food Inspector and his appointment was as per sub-section (1) of S. 9 of the Food Adulteration Act read with the Rules. Subsequently under G.O.Ms. No. 235 Medical and Health dated 15-4-1983 G.O.Ms. No. 186 was amended and he was appointed as Food Inspector for the entire State. There is abundant material to show that the complainant had ample experience after qualifying himself as a Sanitary Inspector and after proper training as prescribed under the Food Adulteration Act and the Rules, he was appointed as Food Inspector on 26-2-1982. He had jurisdiction over the entire State as per G.O.Ms. No. 235 dated 15-4-1983. The sample was taken by him in the present case on 11-2-1984. The trial Court is not justified in coming to the conclusion that he is not duly qualified and he is not competent to be appointed as Food Inspector. The trial Court committed a mistake in holding that he is not duly qualified and appointed as Food Inspector.

3. In view of Mr. T. Bali Reddy not pressing the appeal with regard to the sample of glucose taken and his not insisting upon the conviction of the respondents, at this distance of time I feel it is unnecessary for me to go into the other aspects involved in the trial Court's judgment.

4. In the result, the appeal is allowed and it is hereby declared that Sri P. Venkateswara Rao, complainant-Food Inspector, is a duly qualified Sanitary Inspector and after gaining lot of experience and proper training for post of Food Inspector he was appointed as Food Inspector as per Act and Rules of training.

5. Appeal allowed.