

**(1984) 12 MAD CK 0006**  
**In the Madras High Court**  
**Case No : Criminal A. No. 414 of 1980**

State by Public Prosecutor

APPELLANT

Vs

Santhanakrishnan

RESPONDENT

**Date of Decision :** 07-12-1984

**Acts Referred:**

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

**Citation :** (1985) LW(Cri) 151

**Hon'ble Judges :** Singaravelu, J

**Bench :** Single Bench

**Advocate :** S. Mahimai Raj for Public Prosecutor, for the Appellant; T. Martin, for the Respondent

## Judgement

Singaravelu, J.—This is an appeal preferred by the State against the order of acquittal of the Respondent for an offence under Ss.7(I) and

16(1) (a) (1) read with Section 2(9) (k) and R. 37 and 45 of the Prevention of Food Adulteration Act.

2. The Prosecution case is that on 14th March, 1979 at about 1:15 P.M. in Chinnakadai Bazaar in Salem Town, the Respondent accused who is

the owner of Vasantha Stores, was selling honey in large quantities packed in bottles. The Food Inspector (P.W.1) purchased one bottle of honey

from the Respondent for Rs. 10 under receipt Ex.P2. Ex.P1 is the demand notice. P.W.1 then observed the formalities for taking samples and sent

one of them to the Public Analyst who found the honey to be freely diluted with water and hence the charge. The contention of the accused was

that it was not meant for human consumption, but it was only for "Abishegam". The trial Magistrate found that the label pasted to the bottles

containing honey showed that they were intended for(sic) ""Abishegam"" and,

therefore, held that the prosecution did not prove the case beyond reasonable doubt and consequently acquitted the accused. Hence the appeal by the State.

3. The Respondent accused appears to be running a pucca shop in the Main Bazaar Street of Salem Town. The Food Inspector (P.W 1) found

twenty cartons each containing 96 bottles of honey. The price per bottle was Rs. 10 per 760 gms. The purchase of honey by P.W.1 from the shop

of the accused is not at all in dispute. The Analyst Report is also not challenged. The only point on which the lower court rejected the case of the

prosecution was that there was a label, on the honey bottle that it was intended for "Abhishegam". Therefore, the learned Magistrate held that it was

not an article of food intended for human consumption, and on this short ground, acquitted the accused. On a careful consideration of the matter, I

am unable to agree with this reasoning. Undoubtedly, honey is an article of food of superior variety and it is well known that honey cures many

diseases and ailments besides the fact that pure honey seldom gets spoiled on account of age. Honey is also used for medicinal preparations and

for preservation of certain food articles. Honey is also meant to be taken along with medicines in the form of tablets and "Choornams". It is

commonly used in the preparation of "Legiyams" which are mostly prescribed by Ayurvedic doctors and this is the age long practice in our

country. Honey is, therefore, in great demand as it is a panacea for curing many physical ailments of people. However, unscrupulous merchants

who want to make wrongful gains out of the sales, make spurious honey freely mixed with water and pass them off for high prices. In order to

escape the clutches of law under the Food Adulteration Act, many a merchant readily resort to a device by putting up a label stating that it is

intended for "Abhishegam". "Abhishegam" is the anointing of a deity or an idol and has acquired religious significance. Therefore, adulterating honey

is an offence against public conscience since it is an offering to God. That apart, the label that it is for "Abhishegam" is clearly intended to circumvent

the law as it is well known that the honey after "Abhishegam" is not thrown out, but it is reverentially consumed by people. In fact, the honey after

"Abhishegam" becomes a "Prasadam" which is more valuable and even becomes sacred. It is common knowledge that nobody will throw out the

honey after the "Abhishegam" and the "Abhishegam honey" is distributed to the "Ubhayadars" and others. Therefore, it is wrong to contend that

the honey labelled for "Abhishegam" is not a food article. The merchant whose main aim is earning profit is not obviously interested in seeing

whether it is used for "Abhishegam" or for human consumption, and he merely wants to make money somehow or other by putting up some labels

to suit his own convenience. This malpractice cannot be allowed to go scot free. The trial Magistrate has not considered this question in a proper

approach and his reasoning is mechanical and wooden. It is, therefore, clear that in spite of the self-serving label that it was intended for

"Abhishegam", honey is predominantly an article of food and cannot be allowed to be meddled with. In this view of the matter also, the acquittal of

the Respondent is unsustainable. If the seller had intended to restrict his sales for "Abhishegam" purposes only, then he should have mentioned the

words like "only" or "not for human consumption" etc.

4. What then is the order to be passed in this case? As already stated, this Respondent appears to be selling large quantities of honey bottles by

simply labelling it dubiously as for "Abhishegam". Admittedly, on the date of the inspection by P.W.1, the Respondent had in his possession 1920

bottles of honey and the price was Rs. 10 per bottle. Therefore, the offence requires condign punishment having regard to the manner in which it is

perpetrated.

5. The result is, the appeal is allowed and the Respondent is convicted under Ss.7(1) and 16(1) (a) (1) read with Section 2 (9) (k) and Rr. 37 and

45 of the Prevention of Food Adulteration Act and is sentenced to pay a fine of Rs. 1,000 (Rupees one thousand) in default of payment he will

undergo rigorous imprisonment for a period of three months. Time for payment of fine two months.