
(1982) 11 P&H CK 0047
In the Punjab And Haryana At Chandigarh
Case No : Criminal Appeal No. 633-DB of 1982

State of Haryana

APPELLANT

Vs

Ram Dhan son of Sadhu Ram

RESPONDENT

Date of Decision : 04-11-1982

Acts Referred:

Citation : (1983) 1 RCR(Criminal) 56

Hon'ble Judges : S.S.Dewan, J and M.R.Sharma, J

Advocate : M.S. Grewal, R.K. Jhingan, Advocates for appearing Parties

Judgement

S.S. Dewan, J.

1. This is an appeal by the State of Haryana against the order of Chief Judicial Magistrate, Kurukshetra, acquitting the respondent of the offence under Section 16(1) (a) (i) of the Prevention of Food Adulteration Act, 1954.

2. The allegations are that on 7.1.1978 the Government Food Inspector Moti Ram accompanied by Dr. V.K. Malhotra, Deputy Chief Medical Officer, Kurukshetra purchased 660 mls. of milk from the canteen of the respondent situated at the Engineering College, Kurukshetra which on analysis was found to be substandard. According to the report of the Public Analyst the Sample of milk contained milk fat 4.3% against the minimum prescribed limit of 4% and milk solids not fat 7% against the minimum prescribed limit of 8.3%. So the deficiency was 1.1% in milk solids not fat.

3. The learned trial Magistrate gave a finding of fact that the milk was not stirred before the same was purchased from the respondent. On this point the Food Inspector did state in the trial Court that the milk was stirred before the same was purchased but in the complaint Exhibit P.C. it is nowhere mentioned that it was done so. Dr. V.K. Malhotra is also silent on this point. It is matter of common knowledge that cream accumulates on the top of boiled milk and if the milk is not properly stirred when the sample is taken, it is bound to be deficient in essential ingredients. In this view of the matter, the judgment of acquittal passed

by the trial Magistrate is inexceptionable. We therefore, see no force in this appeal and dismiss the same.