
(1988) 07 BOM CK 0059

In the Bombay High Court

Case No : Criminal Appeal No. 684 of 1984

State of Maharashtra

APPELLANT

Vs

Sahaji Gajanan Jadhav

RESPONDENT

Date of Decision : 07-07-1988

Acts Referred:

Prevention of Food Adulteration Rules, 1955 — Rule 7(3)

Citation : (1988) 3 BomCR 190

Hon'ble Judges : S.C. Pratap, J;A.D. Tated, J

Bench : Division Bench

Advocate : S.S. Keluskar, P.P, for the Appellant; D.N. Hungund, for the Respondent

Final Decision : Dismissed

Judgement

S.C. Pratap, J.—In this appeal against acquittal, arising out of prosecution under the Prevention of Food Adulteration Act (hereinafter "the Act"), it is not necessary to deal with the various other grounds on which the acquittal, is based because the appeal can be disposed of on one out of these grounds.

2. The sample ice-cream was taken on 3rd March, 1982. One part thereof was sent to the Public Analyst on 4th March, 1982. The report of the Public Analyst was received by the Local Health Department on 21st April, 1982 i.e. after expiry of forty-five days. Under Rule 7 sub-Rule (3) of the Rules framed under the Act.

"The Public Analyst shall, within a period of forty five days from the date of receipt of any sample for analysis, deliver to the Local (Health) Authority a report of the result of such analysis in Form III. "

Considering the mandate of this rule and its infraction in the instant case the learned trial Magistrate was right in directing acquittal only on this ground. The object of this rule is to see that there is no undue lapse of time between the taking of the sample, its analysis and receipt of report by the concerned authority and depending thereon the future course of action, such as the

prosecution. The Legislature has, therefore, specifically provided a time limit of forty-five days from the receipt of sample. This period cannot be said to be too short. Indeed, it is sufficiently long and in matters relating to adulteration of food the Public Analyst is also expected to not only expeditiously analyse the sample but also deliver the report of the result of such analysis to the concerned authority well in time.

3. As we are confirming the acquittal on the aforesaid ground, it is not necessary to go into the other ground on which also the impugned acquittal is based.

4. In the result, this appeal fails, and the same is dismissed. The bail bonds shall stand cancelled.