

(1978) 03 AP CK 0021
In the Andhra Pradesh High Court

The Food Inspector, Anakapalli Municipality
Vs

APPELLANT

Kapusetti Polipilli

RESPONDENT

Date of Decision : 22-03-1978

Acts Referred:

Prevention of Food Adulteration (Extension To Kohima And Mokokchung Districts)
Repeal Act, 2002 — Section 2
Prevention of Food Adulteration Act, 1954 — Section 11, 16

Citation : (1978) CriLJ 1353

Hon'ble Judges : Muktadar, J

Bench : Single Bench

Judgement

Muktadar, J.—The State has preferred this appeal against the acquittal of the accused who was charged with commission of an offence punishable under Sections 16(1) and 7 read with Section 2(1)(a) of the Prevention of Food Adulteration Act. The case of the prosecution is that P. W. 1 the Food Inspector, Anakapalli saw the accused, who was a regular milk vendor, selling milk in the municipal area on 31-5-1976 at 7.30 a. m. He stopped the accused and after noticing that the buffalo milk was adulterated purchased 660 ml., after complying with all the formalities. He paid 66 paise to the accused for the milk purchased and obtained receipt for the same, which is Ex. P-1. The Food Inspector then divided the milk into three parts, poured the sample into three clean, dry and empty bottles, added 16 drops of formal in to each of the bottles, corked them and sealed them. He gave one bottle to the accused under acknowledgment, Ex. P-3 and sent another bottle to the Chemical Analyst, and kept. one bottle with him. This procedure actually was followed by P. W. 1, the Food Inspector according to the old Prevention of Food Adulteration Act. The new Act which came into force on 1-4-1976 has amended the formalities which have to be followed by the Food Inspector and this is provided u/s 11 of the amended Prevention of Food Adulteration Act. According to Section 11(1)(b) of the Act, the Food Inspector has to divide the sample then and there into three parts, mark and seal in such manner as its nature permits and take signature or thumb-

impression of the person from whom the same has been taken in such place and in such manner as may be prescribed. According to Section 11(1)(b) of the Act, he should send one of the parts for analysis to the Public Analyst under intimation to the local health authority and send the remaining two parts to the local health authority for purpose of preserving the same. In the instant case, the Food Inspector has not complied with these provisions of Section 11(1)(b) in spite of fact that two months have elapsed after the coming into force of the amended Act, as the new Act came into force on 1-4-1976, and the date of occurrence is 31-5-1976. The Food Inspector ought not to have given the second sample bottle to the accused but ought to have sent the 2nd and 3rd bottles to the local health authority. Moreover, the Food Inspector ought to have also taken signature or thumb-impression of the accused on these samples which he has not done so. In these circumstances, to my mind, the trial Court was correct in acquitting the accused.

2. Hence, this appeal is dismissed.