

IN THE SUPREME COURT OF INDIA
[CRIMINAL APPELLATE JURISDICTION]

CRIMINAL APPEAL NO. 646 OF 2004

P. YOUSAF

Appellant

VERSUS

FOOD INSPECTOR & ANR.

Respondents

O R D E R

The appellant stands convicted for an offence under Section 16(1-A) (a) of the Prevention of Food Adulteration Act and had been sentenced by the trial court to undergo simple imprisonment for one year and a fine of Rs. 2,000/- and in default, simple imprisonment for a further period of six months. An appeal to the Sessions Judge as well as a Revision to the High Court by the appellant too have been dismissed.

We have heard learned counsel for the parties in ex tenso. Mr. Sidharth Dave, the learned counsel for the appellant, has raised primarily one argument before us during the course of hearing. He has pointed out that an application for a licence had been made by the appellant on the 18th December, 1985 and the licence had been issued to him after the seizure of the adulterated food had been made on 15th of January, 1986, and in that eventuality, the appellant was not a licensee so as to make him liable for any misconduct that might have been committed by his servant who was running the shop and whose conviction has become final.

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We have heard the counsel and gone into the record. The evidence reveals that the appellant had a valid licence for the shop in question upto 31st March 1986, meaning thereby that he was a licensee on the date of seizure and even if the day to day business was being carried on by a servant it would absolve the appellant of wrongdoing or his status as a licensee.

We notice that the matter is a very old one as the seizure had been made in the year 1986. The minimum sentence has already been granted to the appellant. Nothing, therefore, can be done with regard to the sentence as well.

The appeal is, accordingly, dismissed.

The bail granted to the appellant vide this Court's order dated 27.2.2004 is cancelled and he is directed to undergo the remaining period of sentence.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

New Delhi;
April 28, 2011.

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ITEM NO.113

COURT NO.7

SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 646 OF 2004

P. YOUSAF

Appellant (s)

VERSUS

FOOD INSPECTOR & ANR.

Respondent(s)

(With appln(s) for bail and office report)

Date: 28/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. Sidharth Dave,Adv.
Mr. A. Raghunath,Adv.

For Respondent(s) Mr. G. Prakash,Adv.

UPON hearing counsel the Court made the following
O R D E R

The Criminal Appeal is dismissed, in terms of
the Signed Order.

V.K.T

(VINOD KULVI)
COURT MASTER

(Signed Order is placed on the file)