

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. OF 2018  
(ARISING OUT OF SPECIAL LEAVE PETITION (CRL.) NO. 9473 OF 2008 )

CHANDAR SINGH ... Appellant(s)

Versus

STATE OF M.P. & ANR. ... Respondent(s)

O R D E R

Leave granted.

By a judgment dated 06.03.2003, since the Public Analyst had found that in milk food products, the milk fat content was 18.07% as against 20%, the appellant was found guilty of having violated Section 16 of the Prevention of Food Adulteration Act and was given the minimum sentence of six months.

The appeal from the aforesaid order was dismissed in which it was stated as under:-

"It has been argued on behalf of the accused/appellant that the food inspector Rajbahadur Verma admitted that while taking the sample he mixed it by the hands and had take sample of mawa in a jug. Therefore, the less percentage of fat is natural. But there is no such arrangement in the rules that the sample cannot be mixed by the hands. The mawa seller also take weight in the balance by the hands therefore merely, putting the sample of mawa in the jug by mixing with hand, it cannot be said that the percentage of fat has become less because of this reason."

The Revision filed before the High Court also resulted in dismissal on 04.04.2008. The High Court also stated that since the

subject matter concerned was not "primary food", the proviso to Section 16(1)(a) would not apply and, therefore, the entire period of six months would have to be served out.

After hearing arguments from both sides, we are of the view that given the finding of the first Appellate Court in the paragraph extracted by us hereinabove, it is clear that the case against the appellant cannot be said to be proved beyond reasonable doubt.

This being the case, we set aside the judgments of the courts below and acquit the appellant.

The appeal is allowed.

.....J.  
(ROHINTON FALI NARIMAN)

.....J.  
(NAVIN SINHA)

New Delhi,  
Dated: November 19, 2018.

ITEM NO.39

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 9473/2008

(Arising out of impugned final judgment and order dated 04-04-2008  
in CRLR No. 874/2003 passed by the High Court Of M.P. At Indore)

CHANDER SINGH

Petitioner(s)

VERSUS

STATE OF M.P. &amp; ANR.

Respondent(s)

Date : 19-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Jetendra Singh, Adv.  
Mr. Vijendra K. Kaushik, Adv.  
Ms. Kalpana Sabharwal, Adv.  
Ms. Priyanka Singh, Adv.  
Mr. Varun Punia, AOR

For Respondent(s) Ms. Bansuri Swaraj, Adv.  
Ms. Swarupama Chaturvedi, AOR  
Mr. B.N. Dubey, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications shall stand disposed of.

(MANAV SHARMA)

COURT MASTER (SH)

(Signed order is placed on the file.)

(TAPAN KUMAR CHAKRABORTY)

ASSISTANT REGISTRAR