

Ram Chand Vs. Emperor

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Court : Allahabad

Decided On : Apr-27-1928

Reported in : AIR1929All157

Appellant : Ram Chand

Respondent : Emperor

Judgement :

Dalal, J.

1. The applicant Ram Chand has been convicted under Section 4, United Provinces Prevention of Adulteration Act (6 of 1912), for selling adulterated ghee. His prosecution was duly sanctioned as required by Section 12 of the Act, but a complaint was not lodged till more than thirty days after the sanction by the Health Officer. The argument here was that the trial Court had no jurisdiction to proceed with the prosecution. Section 15 lays down that no summons shall issue for the attendance of any person accused of an offence under Section 4, unless the same is applied for within thirty days from the date upon which the order of consent referred to in Section 12 shall have been made or given. In my opinion this section does not deal with the jurisdiction of the Court. Jurisdiction arises under Section 12 on the order or consent in writing of the Health Officer. If the applicant had disobeyed the summons, he could not have been prosecuted under Section 174, I.P.C. When, however, he appeared and stood his trial, Section 15 is not so

worded as to deprive the Court of jurisdiction. It only prohibits the issue of summons, but not the taking place of a trial.

2. It was further argued that the fine of Rs. 100 was excessive. I do not think so, having regard to the frequency of this kind of offence. I dismiss this application.

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