

**State Vs. Mahavir Prashad**

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**Court :** Delhi

**Decided On :** Feb-23-2005

**Reported in :** 118(2005)DLT466

**Judge :** R.S. Sodhi, J.

**Acts :** Prevention of Food Adulteration Act - Sections 7, 13(2) and 16

**Appeal No. :** Crl. A. 211/1984

**Appellant :** State

**Respondent :** Mahavir Prashad

**Advocate for Def. :** None

**Advocate for Pet/Ap. :** Anil Soni, Addl. P.P

**Disposition :** Appeal dismissed

**Judgement :**

**R.S. Sodhi, J.**

1. This appeal is directed against the order dated 15th June, 1984, of the Metropolitan Magistrate, New Delhi, in Case No. 68/81, whereby the learned Magistrate was pleased to acquit the respondent herein of the offence/charge under Section 7/16 of the PFA Act.

2. The brief facts of the case, as has been noted by the Metropolitan Magistrate, are as under :

'This is a complaint filed by Delhi Administration against accused Mahabir Pd. U/s 7/16 of the PFA Act. Briefly stated the allegations made in the complaint are that accused sold a sample of besan ka ladoo to Shri R.P. Singh F.I. on 15.4.81 and shop M/s Mahabir Pd 2218 pili building Jamuna Nagar, which was found to be adulterated by the public analyst or analysis.

2. The accused has not challenged the report of the public analyst as he did not exercise his right U/s 13(2).

3. The complainant in support of its case has examined pw1 Jagmal Sharma, pw2 R.P. Singh, Food Inspector, pw3 R.C. Chopra, Senior Prosecutor, pw4 Chander Pal Singh, Clerk, pw5 Sivaji Mehta, Field Assistant and pw6 Miss Shashi Bala, Food Field Inspector in support of its case.

4. The incriminating evidence was put to the accused in his statement has admitted the sale of the sample of Besan ka ladoo. However his defense is that he did not disclose ingredients of the besan ka ladoo to the FI and that his signatures were obtained on blank papers.

The accused has also examined DW1 Tek Chand in support of his defense.'

3. The trial court basing its opinion on a judgment of the Punjab and Haryana High Court in MCD Vs/ Mehar Singh 1972 FAC 603 has returned a finding that the vanaspati oil which contained til oil imported from a Mediterranean region did not respond to the baudouin test.

4. With the assistance of the learned counsel for the State, I have gone through the record of the case and find that the opinion of the public analyst was based on the baudouin test and in that view of the matter, the learned Magistrate was perfectly right in not relying upon the test. Nothing has been shown to me to hold a contrary view or to show that the judgment under challenge is perverse. In that view of the matter, I find no ground to interfere with the well-reasoned judgment of the trial court. Crl. A. 211/1984 is accordingly dismissed.

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