

State Vs. Surajmal

State Vs. Surajmal

SooperKanoon Citation : sooperkanoon.com/770366

Court : Rajasthan

Decided On : Feb-23-2000

Reported in : 2000WLC(Raj)UC322; 2000(2)WLN720

Judge : Bhagwati Prasad, J.

Appeal No. : S.B. Cri. Appeal No. 44 of 1991

Appellant : State

Respondent : Surajmal

Disposition : Appeal dismissed

Judgement :

Bhagwati Prasad, J.

1. This appeal arises out of a decision of the Addl. Chief Judicial Magistrate, Pratapgarh dated 29.9.1989 passed in Criminal Case No. 91/84.

2. The learned trial court has acquitted the accused by considering that sanction, which has been granted to prosecute the accused, is not a conscious decision. The sanction does not show any application of mind by the Authority granting sanction. The trial court has found that such grant of sanction was not in accordance with the provisions of the Food Adulteration Act and therefore, acquitted the accused.

3. Learned counsel for the State has drawn attention of the Court towards Ex. P/6, which is printed form filled in by some one other than the Chief Medical & Health Officer.

4. The Court has examined Ex. P/6 and come to the conclusion that signatory of Ex. P/6 is not the Chief Medical & Health Officer. In this background, finding of the trial court does not appear to be vitiated on any count. In this view of the matter, no interference is called for. There does not appear to be any perversity or illegality in the order of the trial court. The appeal having no force is dismissed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com