

In Re : Perumal Konar

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Court : Chennai

Decided On : Dec-05-1963

Reported in : 1965CriLJ389

Judge : Anantanarayanan, J.

Appellant : In Re : Perumal Konar

Judgement :

ORDER

Anantanarayanan, J.

1. The revision petitioner has been convicted under Section 16(i)(b) and (c) of the Prevention of Food Adulteration Act, XXXVII of 1954, and sentenced to a fine of Rs. 25 upon each count. Very briefly stated, the case is to the effect that on 23.3.1962 at about 5.30 a.m. in Nanguneri, the Food' Inspector P.W. 1, who was then standing in front of the Blue Mountain hotel, stopped this division petitioner who was carrying a milk can (M.O. 1) containing about two measures of milk for sale at the hotel. P.W. 1 demanded a sample for analysis, but, instead of complying with the demand of the officer, the revision petitioner placed the can inside the hotel and immediately took to his heels, and ran away. He could not be caught at that time. P.W. 1 then took samples from the milk, with the help of the hotel proprietor. We may take these facts as established by the evidence.

2. Under these circumstances, it seems to me that the revision petitioner was clearly guilty of an offence under Section 16(i)(c) of the Act. That renders it an offence to prevent a food inspector from exercising any other power conferred on him by or under the Act, Under Section 10(8) of the Act, a food inspector is authorised to exercise the powers of as police officer under Section 57 of the Criminal Procedure Code for the purpose of ascertaining the true name and residence of the person from whom a sample is taken. When the revision petitioner thus suddenly made himself scarce, the certainly prevented the food inspector from questioning him as to his true name and residence, and also, incidentally, prevented the food inspector from taking a sample of the milk, which was ordinarily to be done by dividing the milk into three portions, and returning one portion to the person from whom the milk has been seized. I am hence satisfied that the convictions are within, the ambit of the relevant provision of law, namely, Section 16(i)(b) and (c), on the established facts. The sentences call for no interference. Both are confirmed, and the revision is dismissed.

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