

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE THIRD DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

**PRESENT
THE HONOURABLE SRI JUSTICE K.SURENDER**

CRIMINAL APPEAL NO: 524 OF 2023

Criminal Appeal under Section 378(3) & (1) of Cr.P.C against the Judgment dated 28/04/2011 in CC No.132 of 2008 on the file of the Court of the Judicial Magistrate of First Class, Mahabubabad.

Between:

The Food Inspector, rep. by the Public Prosecutor, High Court of A.P., Hyderabad.

...APPELLANT/PETITIONER

AND

1. Chivvirala Prabhakar, S/o. Late Sri Rangaiah, Age 25 years, Sales Incharge, M/s. Laxmi Sai Kirana and General Merchant, 6 -3 -118, Thorur Bus Stand, Mahabubabad (V and M), Warangal District.
2. Chivvirala Ravi Kumar, S/o. Late Sri Rangaiah, Age 28 years, Licensee, M/s.Laxmi Sai Kirana and General Merchant, 6-3-118, Thorur Bus Stand, Mahabubabad (V and M), Warangal District.

..ACCUSED/ RESPONDENTS

Counsel for the Appellant : PUBLIC PROSECUTOR

Counsel for the Respondents : NONE APPEARED

The Court made the following: **JUDGMENT**

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.524 OF 2023

JUDGMENT:

1. The learned Magistrate acquitted the accused for the offence under Section 16 (1) (a) (i) of Prevention of Food Adulteration Act, 1954 (for short 'the Act') on the ground that there was violation of Section 13 (2) of the Act. Sample of jaggery was taken from the premises of accused. However, the said jaggery did not confirm to the standards, when the analysis was done.

2. The Drug Inspector failed to prove any notice under Section 13(2) of the Act was sent to accused. In the absence of intimating the accused regarding analysis, the complaint cannot be maintained.

3. Accordingly, for non-compliance of Section 13(2) of the Act, acquittal recorded cannot be interfered with.

4. Accordingly, the Criminal Appeal is dismissed.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-CH.VENKATESWARLU
DEPUTY REGISTRAR

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SECTION OFFICER

To

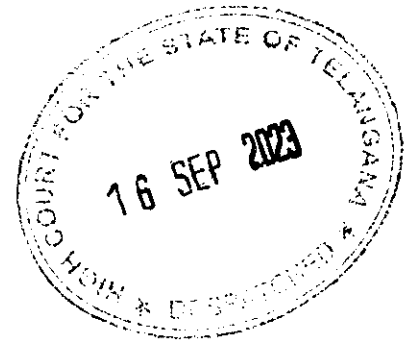
1. The Judicial Magistrate of First Class, Mahabubabad. (with records)
2. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
3. Two CD Copies

Kj.

pmc₁

HIGH COURT

DATED:03/07/2023



JUDGMENT

CRLA.No.524 of 2023

⑥ pml.
12/9/23.

**THE CRIMINAL APPEAL
IS DISMISSED.**