

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.709 of 2016

JUDGMENT:

1. This Criminal Appeal is preferred by the State against the judgment dated 20.10.2008 passed by the II Additional Munsif Magistrate, Tenali, in C.C.No.400 of 2006.

2. The case of the prosecution is as follows:

On 22.6.2006 at about 5 p.m., P.W.1 along with his attender Sk. Nagulmeera visited Sidney Aqua System, Plot No.3-10, Sri Lakshmi Narasimha Nilayam, Sangamjagarlamudi village, Tenali Mandal, Guntur District, for inspection. At the time of inspection, the plant proprietor viz., Vaka Srinivasa Rao-A2 was absent. But his brother Vaka Siva Naga Prasad-A1 was present and he was managing the business. P.W.1 disclosed his identity and purpose of his visit. P.W.1 inspected the said premises and found 12 thousand pouches of 250 ml capacity, 215 plastic cans each 20 lts capacity and also 20 plastic cans of each 12 lts capacity in a sealed condition. On enquiry, A1 disclosed that the stock is ready to sale for human consumption. P.W.1 enquired A1 about the BIS certification. But he disclosed that the firm had not obtained BIS certification and also APPFA license.

Thus, the accused violated the rules and they are liable for punishment under Section 16(1)(a)(ii) of PFA Act.

3. The learned Magistrate took cognizance of the same and examined the accused under Section 251 Cr.P.C. on the accusation made against them, for which they pleaded not guilty and claimed to be tried.

4. During the course of trial, P.Ws.1 and 2 were examined and Exs.P1 to P6 were marked on behalf of the prosecution. No oral or documentary evidence was adduced on behalf of the accused.

5. On appreciation of oral and documentary evidence, the trial Court having found accused Nos.1 and 2 not guilty for the offence

under Section 16(1)(a)(ii) of PFA Act, acquitted them. Aggrieved by the same, the State filed the present appeal.

6. The learned Additional Public Prosecutor submitted that the prosecution has established its case and that the learned Magistrate has not appreciated the evidence in a proper perspective.

7. Learned Counsel appearing for the respondents submitted that the judgment of the trial Court does not warrant any interference.

8. It is the case of the prosecution that A1 and A2 were found running the water plant without obtaining BIS certificate and also APPFA licence. But there is no cogent evidence on record to show that the said water cans and packets kept in the said plant were meant for sale. The evidence of P.W.1 is not consistent and corroborative. The prosecution has failed to establish the guilt of the accused beyond all reasonable doubt.

9. Considering the facts and circumstances of the case and the reasons recorded in the judgment under appeal, this Court is of the view that the judgment of the trial Court is in accordance with law and it does not warrant any interference by this Court.

10. Accordingly, the Criminal Appeal is dismissed. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

RAJA ELANGO, J

2nd August, 2016

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