

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (AGAINST ACQUITTAL) NO. 387
of 2018

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Approved for Reporting	Yes	No

MAHESH JAYANTILAL RANA
 Versus
 VIJAYBHAI RAMNIKLAL MANAK & ANR.

Appearance:
 MR KAUSHAL D PANDYA(2905) for the Applicant(s) No. 1
 MALAY S PATEL(8901) for the Respondent(s) No. 1
 MR ROHAN REAVL, APP for the Respondent(s) No. 2

CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 12/03/2026
ORAL JUDGMENT

1. By way of present application the applicant seeks the following relief:

“A. Be pleased to quash and set aside the impugned judgment and final order of acquittal dated 08.09.2017 passed by the learned 3rd Additional Sessions Judge, Surat in Criminal Appeal No.71 of 2016.”

2. Heard learned advocate for the respective parties.

3. Learned advocate for the applicant submits that the

learned appellate court has committed an error in relying upon the judgment passed by the Hon'ble Apex Court in the case of ***Nemi Chand v. State of Rajasthan, reported in (2018) 17 SCC 448***, which is not applicable to the facts of the present case, even though the contravention of the provisions of the Prevention of Food Adulteration Act is proved on record. Therefore, the present petition may be allowed.

3. *Having heard the learned advocates for the respective parties and having gone through the documents produced on record, it appears that the learned trial court was pleased to record the conviction on 13th May 2016 for an offence committed in the year 2008.*

4. On perusal of the Public Analyst's report, it appears that the case does not fall within the category of food which is injurious to health (unsafe category). If the article in question is substandard in nature and does not fall within the category of unsafe food, then, relying upon the provisions of the Food Safety and Standards Act, 2006, only penalty or levy of fine is contemplated. In such circumstances, the learned Sessions Judge has not committed any error, more particularly in light of the judgment in ***Nemi Chand v. State of Rajasthan (supra)***. A similar view has also been taken in ***Triloki Chand v. State of Himachal Pradesh, reported in (2020) 10 SCC 763***. In cases where the article is found to be substandard, only penalty in the form of fine is required to be imposed.

5. In view of the above, no interference is required in the order passed by the learned Sessions Judge and the same does not call for any interference with the findings recorded by the Sessions Court. Hence, the present Revision Application stands dismissed.

ALI

(HASMUKH D. SUTHAR,J)