

ITEM NO.1501
(For judgment)

Court 3 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2942/2020

(Arising out of impugned final judgment and order dated 23-03-2020
in CRLMC No. 535/2017 passed by the High Court Of Delhi At New
Delhi)

RAGHAV GUPTA

Petitioner(s)

VERSUS

STATE (NCT OF DELHI) & ANR.

Respondent(s)

([HEARD BY: HON. ROHINTON FALI NARIMAN, HON. NAVIN SINHA AND HON.
INDIRA BANERJEE, JJ.])

Date : 04-09-2020 This petition was called on for pronouncement
of judgment today.

For Petitioner(s) Mrs. Geeta Luthra, Sr. Adv.
Mr. Nitin Saluja, AOR
Mr. Anshul Duggal, Adv.
Ms. Shivani Lohiya Luthra, Adv
Sasha Maria Paul, Adv.

For Respondent(s) Mr. Chirag M. Shroff, AOR
Ms. Sanjana Nangia, Adv.
Ms. Abhilasha Bharti, Adv.

Hon'ble Mr. Justice Navin Sinha pronounced the non-reportable
judgment of the Bench comprising Hon'ble Mr. Justice R.F. Nariman,
His Lordship and Hon'ble Ms. Justice Indira Banerjee.

Leave granted.

This appeal is allowed in terms of the signed non-reportable
judgment.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed non-reportable judgment is placed on the file)

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 562 OF 2020

(Arising out of S.L.P.(Crl.) No. 2942 of 2020)

RAGHAV GUPTA ...APPELLANT(S)

VERSUS

STATE (NCT OF DELHI) AND ANOTHER ...RESPONDENT(S)

JUDGMENT

NAVIN SINHA, J.

Leave granted.

2. The appellant questions his prosecution under Rule 32(e) of the Prevention of Food Adulteration Rules, 1955 (hereinafter called as “the Rules”) framed under the Prevention of Food Adulteration Act, 1954 (in short “the Act”).

3. We have heard learned counsel for the parties at length. Though several grounds have been urged to challenge the prosecution, we are satisfied that the appeal can be disposed of on a single undisputed ground. The facts shall therefore be

stated with brevity only to the extent necessary for purposes of the present order.

4. The Food Inspector purchased sealed samples of Snapple Juice Drink on 03.05.2011 for analysis. The report of the Public Analyst dated 30.05.2011, held that the sample confirmed to standards but was misbranded being in violation of Rule 32(e), lacking in necessary declaration of lot/batch numbers. The appellant was stated to be one of the Directors of M/s. V & V Beverages Pvt. Ltd. which imported the drink from foreign manufacturer Schweppes International Rye Brook duly cleared by the Customs department.

5. A complaint case no. 4 of 2012 was lodged by the Food Inspector on basis of the report dated 30.05.2011. Notices were issued to the appellant under Section 251 of the Criminal Procedure Code (hereinafter referred to as 'the Code'). The appellant preferred an application for discharge under Section 294 of the Code read with Section 192 of the Act inter alia on the ground that the product had the necessary barcode on it and which contained all the relevant information as required by Rule

32(e) such as batch no./code no./lot no. The application having been rejected, the appellant raised the same ground before the High Court which also failed to consider the same.

6. Ms. Geeta Luthra, learned senior counsel appearing for the appellant, submitted before us and which could not be countered by Shri Jayant K. Sud, learned Addl. Solicitor General appearing for the respondent, that the necessary information as required under Rule 32(e) was available in the barcode which could all be revealed by a barcode scanner.

7. That the barcode was available on the sample is not in dispute. In view of the fact that the relevant information under Rule 32(e) with regard to the lot/code/batch identification to facilitate it being traced to the manufacturer are available in the barcode and which can be decoded by a barcode scanner, we are of the considered opinion that no useful purpose is going to be served by allowing the present prosecution to continue and it will be an abuse of the process of law, causing sheer waste of time, causing unnecessary harassment to the appellant, if the prosecution is allowed to continue.

8. We therefore allow the appeal and quash the prosecution of the appellant in CC No. 04 of 2012 pending before the ACMM-2, Patiala House Court, New Delhi. The appeal is allowed.

.....**J.**
[R.F. NARIMAN]

.....**J.**
[NAVIN SINHA]

.....**J.**
[INDIRA BANERJEE]

NEW DELHI
SEPTEMBER 04, 2020