

Administrator, District Board Gaya vs Suleman Mian And Ors. on 6 January, 1983

Equivalent citations: 1983(31)BLJR285, 1983(1)SCALE104, (1983)2SCC269, AIRONLINE 1983 SC 5, 1983 (2) SCC 269, (1983) PAT LJR 99, 1983 SCC (CRI) 397

Bench: E.S. Venkataramiah, R.B. Misra

JUDGMENT

Venkataramiah, J.

1. The question involved in this appeal relates to the validity of sanction accorded by the District Board, Gaya the appellant herein under Section 20(1) of the Prevention of Food Adulteration Act, 1954 (XXXVIII of 1954) hereinafter referred to as the Act). A complaint was filed in the Court of Sub-Divisional Officer, Sadar, Gaya by the Food Inspector, Gahenabad Sub-division, Arwal P.S. Gaya on October 4, 1965 complaining that the first respondent had physically prevented the complainant from taking sample of Haldi which was exposed for sale by respondent No. 1 and that respondent No. 1 had refused to sell the sample of Haldi when he was asked to do so by the complainant and thereby had committed an offence punishable under Section 16(1)(c) of the Act. The case was tried by the Munsif Magistrate, 1st Class, Jehanabad who convicted the first respondent of an offence punishable under Section 16(1)(c) of the Act and imposed a sentence of six months rigorous imprisonment by his judgment dated 27.8.1968. The appeal filed by the 1st respondent before the 4th Additional Sessions Judge, Gaya was dismissed on December 5, 1970. The first respondent filed a criminal revision petition before the High Court against the judgment of the learned Sessions Judge in the year 1971. That revision petition was disposed of along with some other revision petitions by the High Court on February 27, 1975 by allowing the petition and setting aside the conviction of the 1st respondent and the sentence imposed on him on the sole ground that the sanction that had been accorded by the District Board, Gaya under Section 20(1) of the Act was not in accordance with law. Against the judgment of the High Court the appellant obtained the special leave from this Court on February 24, 1976 and filed this appeal. The appeal was directed to be heard expeditiously. The appeal could not be heard till now.

2. We are informed by the learned counsel for the State of Bihar that the rules in force in Bihar have been amended subsequent to the judgment delivered by the High Court bringing them in accord with the said judgment. Having regard to the said amendment and the period of nearly 18 years that has elapsed from the date of the complaint, we are of the view that there is no necessity to pronounce upon the correctness or otherwise of the opinion expressed by the High Court on the validity of the sanction accorded under Section 20(1) of the Act. We also feel that in the interests of

justice that these criminal proceedings should not be continued but should be dropped. We accordingly dispose of this appeal.