

424. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 338 shall be forthwith taken before a Magistrate of the First Class.

Disposal of animals and articles of non-perishable nature seized under section 338.

(2) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human consumption, he may, and, if it is diseased, unsound, unwholesome or unfit for human consumption, he shall cause the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human consumption, or for the preparation or manufacture of, or for containing any such article as aforesaid.

425. In every case in which food, on being dealt with under section 424, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human consumption, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier, thereof, shall, on conviction, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to five hundred rupees.

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

426. In all prosecutions under section 425 the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

Application for summons to be refused if not applied for within a reasonable time.

VIII Proceedings before Magistrates and the

¹[Criminal Appellate Court]

427. (1) Offences for the contravention of sections 60, 61 and 325 shall be cognizable.

Cognizance of offences.

V of 1898.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences against this Act, or against any rule, regulation or by-law, whether committed within or without the City, shall be cognizable by a Magistrate of the First Class having jurisdiction in the City and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the Municipal Fund.

(3) Notwithstanding anything contained in section 200 of the said Code, it shall not be necessary in respect of any offence against this Act or any rule, regulation or by-law made thereunder, to examine the complainant when the complain is presented in writing.

428. No Magistrate shall take cognizance of any offence punishable under this Act, or any rule, regulation or by-law, unless complaint of such offence is made before him—

Limitation of time within which complaints of offences punishable under this Act shall be entertained.

(a) within six months next after the date of the commission of such offence ;
or

(b) if such date is not known or the offence is a continuing one within six months next after the commission or discovery of such offence.

429. If any person summoned to appear before a Magistrate to answer a charge of an offence punishable under this Act or any rule, regulation or by-law fails to appear at the time and place mentioned in the summons, and if service of summons is proved to the satisfaction of the Magistrate and no sufficient cause is shown for the non-appearance of such person the Magistrate may hear and determine the cause in his absence.

Power of magistrate to hear cases in absence of accused.

430. Any document purporting to be a report under the hand of the Chemical Analyser to Government upon any article duly submitted to him for analysis may be used as evidence of the facts therein stated in any inquiry or prosecution under this Act.

Report of Chemical Analyser to Government.

1. These words were substituted for the words "Sessions Court" by Guj. 8 of 1968, s. 8 (3).