

CASE NO.:
Appeal (crl.) 39 of 2001

PETITIONER:
State of Gujarat

RESPONDENT:
Rameshbhai Thobhanbhai

DATE OF JUDGMENT: 30/05/2007

BENCH:
R.V. RAVEENDRAN & LOKESHWAR SINGH PANTA

JUDGMENT:
JUDGMENT

O R D E R

The issue involved in this appeal has been considered by us in CrI. Appeal No.38/2001. The Addl. Chief Judicial Magistrate, Gundal, following the decision of the Gujarat High Court in Special CrI. Appeal No.803/1998 (which is the subject matter of CrI.A. No.38/2001 decided today), has directed the complainant (Food Inspector/State) by order dated 30.12.1997 to pay the fee for second analysis of the sample under section 13(2) of the Prevention of Food Adulteration Act, 1954 ('Act' for short). The said order was confirmed by the High Court by order dated 9.5.2000 in CrI. Revision No. 21/2000.

2. Following the decision rendered by us today in CrI. Appeal No. 38/2001, this appeal is allowed and the order of the High Court and the learned Magistrate directing the complainant to pay the fee are set aside, and it is declared that the accused-respondent is liable to pay the fee for the second analysis under section 13(2) of the Act.