

GOVERDHAN DASS BANSAL

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v.

STATE (DELHI ADMINISTRATION) TH. SECRETARY  
(Criminal Appeal No. 55 of 2002.)

OCTOBER 22, 2008

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**[DR. ARIJIT PASAYAT, C.K. THAKKER, LOKESHWAR  
SINGH PANTA, JJ.]**

*Practice and procedure – Revision – Disposal of, on the day of admission by cryptic and non-reasoned order – Propriety of – Held: Not proper – Since the court felt that there was some arguable points, the revision petition was admitted – If there was no substance, it should not have been admitted – Thus, order of High Court set aside and matter remitted back to it for fresh disposal – Judgment/Order – Revision – Food Adulteration Act, 1948.*

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CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 55 of 2002.

From the final Judgment and Order dated 17.4.2001 of the High Court of Delhi at New Delhi in Criminal Revision No. 206 of 2001.

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Ranjit Kumar, Sr. Adv., Prasanth P. and T. Harish Kumar for the Appellant.

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Ashok Bhan, Ahsa G. Nair, Anil Katiyar and D.S. Mahra for the Respondent.

The Judgment of the Court was delivered by

**DR. ARIJIT PASAYAT, J. 1. Heard.**

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2. Challenge in this appeal is to the order passed by a learned Single Judge of the Delhi High Court in Criminal

A revision No. 206/2001. The appellant was prosecuted for offences punishable under Sections 7 and 16 of the Food Adulteration Act, 1954 (in short the 'Act'). The allegation was that on 13.10.1988 the Food Inspector found that the appellant was selling adulterated chilly powder. On that basis, sample which was collected was sent to the public analyst and it was found that percentage of Ash insoluble in dilute HCL was at 4.2% as against the permissible limit of 1.35%. The trial court found the appellant guilty. In appeal, the conclusion of the trial court was upheld. A criminal revision was filed before the High Court which was admitted. But on the day the appeal was admitted, the revision petition was disposed of by a cryptic and practically non-reasoned order. That is not the way to dispose of a revision petition which has been admitted. If there was no substance, it should not have been admitted. Since it was admitted, the Court obviously felt that there was some arguable point. Thereafter to dismissed it without indicating any reason or basis is certainly not the proper way of disposal.

3. Accordingly, we set aside the impugned order of the High Court and remit the matter to the High Court for fresh disposal in accordance with law.

4. It is stated that the appellant is continuing on bail pursuant to the order passed by this Court. The same shall continue till the disposal of the revision by the High Court. We make it clear that by granting this interim protection, we have not expressed any opinion on the merits of the case.

5. The appeal is accordingly disposed of.

N.J.

Appeal disposed of.