

Sharif Ahmed

Vs

State of Uttar Pradesh

Special Leave Petition (Cri) No. 2088 of 1979

(V.R. Krishna Iyer, P.N. Shinghal JJ)

22.08.1979

JUDGMENT

KRISHNA IYER, J. –

Counsel for the petitioner states that the sentence imposed upon his client for the offence under Section 7, read with Section 16 of the Prevention of Food Adulteration Act, must be reduced because the adulterant, namely, prohibited coal-tar dye, is, in his submission, non-injurious or an innocent mix. Therefore, the imprisonment part of the sentence, it was urged, should be eliminated. It is true that the High Court has observed that the "colour which was mixed with powdered chillies" is not mentioned in the Public Analyst's report to be injurious to human life. It does not follow that because it is not specifically mentioned to be injurious, it is non-injurious. Absence of evidence is not equal to evidence of absence. For aught we know, the prohibition under the act and Rules has been imposed because it is harmful to human health. It is true that the High Court has, under a misconception, reduced the sentence, but we cannot be pressurised further into following the wrong path. The special leave petition is dismissed.

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