

Vikram Trivedi vs State Of Rajasthan on 1 July, 2024

Author: Farjand Ali

Bench: Farjand Ali

[2024:RJ-JD:25527]

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR
S.B. Criminal Misc(Pet.) No. 8909/2022

1. Vikram Trivedi S/o Shri Govind Lal Trivedi, Aged About 43 Years, (Seller And Owner) M/s Shri Saibaba Paan Centre, Situated At Opposite Bus Stand, Dist. Sirohi, Rajasthan.
2. Prakash Chand Kabra (Owner) S/o Shri Staya Narayan Kabra, Aged About 46 Years, M/s Krishna Agencies, Situated At S-47 Subhash Nagar, Shopping Centre, Dist. Jaipur, Rajasthan.
3. Ram Chandra Badaya S/o Shri Hanuman Sahai Badaya, Aged About 53 Years, Nominee Of M/s Shree Sidheshwar Fragrances Private Limited, Office At E-1005, Phase-Ill Rico Industrial Sitapura, Jaipur, Rajasthan.
4. M/s Shree Sidheshwar Fragrances Private Limited, Office At E-1005, Phase-Iii Rico Industrial Sitapura, Jaipur, Rajasthan, Through Its Nominee Ram Chandra Badaya S/o Shri Hanuman Sahai Badaya, Aged About 53 Years.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Mr. Sandeep Agarwal, Food Safety Officer, District Sirohi, Office Of District Designated Officer And Chief Medical And Health Officer, Sirohi, Rajasthan.

---Respondents

For Petitioner(s) : Mr. Nihar Jain
For Respondent(s) : Mr. Gaurav Singh, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

ORDER PRONOUNCED ON ::: 01/07/2024

ORDER RESERVED ON ::: 23/02/2024

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[2024:RJ-JD:25527]

(2 of 3)

[CRLMP-8909/2022]

BY THE COURT: -

1. A complaint came to be filed against the petitioners for the prosecution under Section 26 Sub-clause 2 (i) of the Food Safety and Standards Act, 2006 and the Rules of 2011.

2. Briefly stated, the facts of the case are that on 21-09-2012, a sudden inspection was made by the Food & Safety Inspector at the shop of the petitioner No.1, who was running a shop in the name and style of 'Sai Baba Paan Center, Sirohi'. Upon suspicion of adulteration/misbranding, specimen sample was purchased from the shop and in due process, the same was sent to the office of the Food Analyst, Jodhpur. As per the report dated 11-10-2012 issued by the Food Analyst, Jodhpur the sample was found unsafe and misbranded. Upon grievance shown by the petitioners, an appeal was preferred. The report of referral also verified the fact of sample being unsafe, whereafter due process was adopted. In the meantime, the prescribed limit for filing the complaint got expired and, therefore, the Chief Medical and Health Officer (CMHO), Sirohi moved an application to the Commissioner, Food and Safety, Sirohi for extension of the period for launching the prosecution. The Commissioner, Food and Safety, Sirohi vide its order dated 25-03-2014 passed an order whereby the complainant was allowed to move the complaint before 30-06-2014. The complaint in this matter came to be submitted on 24-06-2014, thus the same was filed well within the approved date of launching the prosecution.

[2024:RJ-JD:25527] (3 of 3) [CRLMP-8909/2022] Section 77 of the FSSA Act reads as under.

77. Time limit for prosecutions.-

Notwithstanding anything contained in this Act, no court shall take cognizance of an offence under this Act after the expiry of the period of one year from the date of commission of an offence: Provided that the Commissioner of Food Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of up to three years.

A plain reading of the provision makes it abundantly clear that the ordinary period of taking cognizance of any offence under this Act is one year from the date of commission of the offence, but as per the proviso, the Commissioner of Food and Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of up to three years. The complaint had been submitted in this matter within the approved period thus prima facie no case is made out for quashing of the entire proceeding on the ground of limitation alone.

3. Accordingly, there is no force in the instant miscellaneous petition. The same deserves to be and is hereby dismissed.

(FARJAND ALI),J Mamta/-

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