

Himanshu Kumar Dokania vs State Of Jharkhand And Another on 12 April, 2023

Author: Sanjay Kumar Dwivedi

Bench: Sanjay Kumar Dwivedi

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IN THE HIGH COURT OF JHARKHAND, RANCHI

W.P.(Cr.) No. 106 of 2017

Himanshu Kumar Dokania Petitioner

--- Versus ---

State of Jharkhand and Another Respondents With W.P.(Cr.) No. 383 of 2016

Anirudh Banerjee Petitioner

--- Versus ---

State of Jharkhand and Another Respondents With W.P.(Cr.) No. 385 of 2016

Anirudh Banerjee Petitioner

--- Versus ---

State of Jharkhand and Others Respondents With

Sujit Kumar

--- Versus ---

... .. Petitioner

State of Jharkhand and Others

... .. Respondents

With

M/s Glaxo Smith Kline Consumer Healthcare Ltd.... .. Petitioner

--- Versus ---

State of Jharkhand and Others Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners :- Mr. Indrajit Sinha, Advocate For the State :- Mr. Ravi Kerketta, Advocate

7/12.04.2023 All these petitions have been heard together considering that all these cases are arising out of Food Safety and Standards Act, 2006.

W.P.(Cr.) No. 106 of 2017 has been filed for quashing the order dated 27.1.2017 passed in Food Safety and Standards Case No.01/2016 whereby penalty of Rs.50,000/- has been awarded for violation of section 50 and section 54 of the said Act; W.P.(Cr.) No. 383 of 2016 has been filed for quashing the letter contained in Memo no.237 dated 29.10.2016 whereby penalty has been imposed by the order dated 04.10.2016 passed in Food Safety Case No.2 of 2016; W.P.(Cr.) No. 385 of 2016 has been filed for quashing the order dated 04.10.2016 under the said Act whereby penalty of Rupees Three Lakhs has been imposed for violation of section 52 of the said Act as well as for quashing of the letter contained in Memo No.238 dated 29.10.2016 whereby penalty has been imposed by order dated 4.10.2016 passed in Food Safety Case No.7 of 2016; W.P.(Cr.) No. 115 of 2017 has been filed for quashing the order dated 20.01.2017 passed under the said Act whereby penalty of Rupees Three Lakhs has been imposed for violation of sections 48 and 52 of the said Act as well as for quashing of the letter dated 23.2.2017 for execution of order dated 20.1.2017 passed in Food Safety Case No.6 of 2017; and, W.P.(Cr.) No.338 of 2017 has been filed for quashing the order dated 30.05.2017 passed in Food Safety and Standards Case No.13 of 2013-14 whereby penalty of Rs.One Lakh has been awarded for violation of section 53 of the said Act.

Mr. Sinha, the learned counsel appearing for the petitioners submits that without compliance of the rules the cases have been lodged and on these grounds these are fit cases to allow under Article 226 of the Constitution of India even if alternative is there.

On other hand, Mr. Kerketta, the learned counsel for the respondent State submits that under the Act, there is provision to avail remedy under section 70 of the Act and now the State Government has notified the appellate authority whereby the District and Sessions Judge of the concerned

districts and Judicial Commissioner in respect of Ranchi district have been made appellate authority.

In view of such submission of Mr. Kerketta, the learned counsel for the respondent State, the Court finds that when the alternative remedy is there, the petitioners are required to avail the same.

Accordingly, W.P.(Cr.) No. 106 of 2017, W.P. (Cr.) No.383 of 2016, W.P. (Cr.) No.385 of 2016, W.P. (Cr.) No.115 of 2017 and W.P. (Cr.) No.338 of 2017 are being disposed of with liberty to the petitioners to appear before the appellate authority concerned.

If the question of limitation is arises, the appellate authority shall consider about the pendency of these cases.

Disposed of.

Pending petition if any also stands disposed of.

(Sanjay Kumar Dwivedi, J.) SI/,