

Joby Varghese vs State Of Kerala on 16 January, 2024

Author: P.Somarajan

Bench: P.Somarajan

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE P.SOMARAJAN

Tuesday, the 16th day of January 2024 / 26th Pousha, 1945

CRL.REV.PET NO. 734 OF 2021

CMP 4254/2016 IN CC 1028/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I,
ETTUMANOOR

REVISION PETITIONERS/PETITIONERS/ACCUSED:

1. JOBY VARGHESE, S/O VARGHESE, PUTHENPARAMBIL HOUSE, MUTTAMBALAM, KOTTAYAM.
2. SAJU JOSPEH, SUGAR N SPICE BAKERY AND SUPER MARKET, VIII/734, M.C.ROAD, THAVALAKKUZHY ETTUMANNOR, RESIDING AT SKY LINE HILL VIEW APARTMENT - IIB, MUTTAMBALAM P.O., KANJIKUZHY, KOTTAYAM.
- 3.P.I.PRAKASH JAMES, P.I LAWRENCE & COMPANY, 3,465, A & B, PWD ROAD, NETTOOR, MARADU, COCHIN.
4. P.I.LAWRENCE & COMPANY, PWD ROAD, MARADU, COCHIN.
5. M.ARUN KUMAR (NOMINEE M/S.A.V.THOMAS COMPANY) 17/2, PALLADAM ROAD, OTHAKALMANDAPAM, COIMBATORE, TAMIL NADU.
- 6.A.V.THOMAS & COMPANY, W-21/674, BEACH ROAD, ALAPPUZHA.

RESPONDENTS/RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031.
2. FOOD SAFETY OFFICER, ETTUMANOOR CIRCLE, ETTUMANOOR, KOTTAYAM DISTRICT - 686631
3. * DIRECTOR, FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA, FDA BHAVAN, KOTLA ROAD, NEW DELHI- 110002 (* SUO MOTO IMPEADED AS ADDL R3 AS PER ORDER DATED 16/1/2024 IN CRL R P 734/2021)

This Criminal Revision Petition coming on for orders upon perusing this petition and upon hearing the arguments of M/S.G.SHRIKUMAR (SR.), R.SANJITH & SINDHU KRISHNAH C.S, Advocates for the petitioners and of PUBLIC PROSECUTOR for the respondent one, the Court passed the following:
P.SOMARAJAN, J.

CRL.R.P.NO.734 OF 2021

Dated this the 16TH day of January, 2024

O R D E R

Heard in part.

Some legal questions came up for consideration as to the authority of the Food Safety Officer to issue direction to the effect that no prosecution shall be proceeded in reference to a date mentioned presumably by exercising the power under Section 16 of the Food Safety and Standards Act, 2006 under Annexure 1 and 2 notification. Necessarily, the matter requires elaborate consideration, for which, Director, Food Safety and Standards Authority of India, FDA Bhawan, Kotla Road, New Delhi- 110002 will stand impleaded as an additional respondent No.3. The Registry shall carry out necessary correction in the cause title of Criminal Revision Petition. The Standing counsel, if any, shall take notice or the petitioners shall take steps . Post on 06.02.2024.

Sd/-

P.SOMARAJAN JUDGE msp 16-01-2024 /True Copy/ Assistant Registrar