

# **M/S. Jrj Foods Private Limited vs Union Of India on 8 September, 2022**

**Author: Dinesh Mehta**

**Bench: Dinesh Mehta**

(1 of 2) [CRLW-274/2022] HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR S. B. Criminal Writ Petition No. 274/2022 M/s. JRJ Foods Private Limited, 314, 315 Phase-1 Chhatral Tal, Kalol, Dist. Gandhi Nagar-382729 Gujarat Through Authorized Legal Representative Of The Company Mr. Mohan Samuel S/o Shri V.k. Samuel Aged About 59 Years R/o M/s JRJ Foods Private Limited 314, 315 Phase-1 Chhatral Tal Kalol Dist. Gandhi Nagar- 382729

----Petitioner Versus

1. Union Of India, Through Its Secretary Ministry Of Health And Family Welfare, Govt. Of India, Room No. 348, A Wing Nirman Bhavan New Delhi-110011
2. State Of Raj., Through Commissioner Of Food Safety And Drug Control, III Floor Swasthya Bhawan Tilak Marg C- Scheme Jaipur 302005 Raj.
3. State Of Raj., Through Principal Secretary, Ministry Of Home Dept., Govt. Of Raj., Govt. Secretariat, Jaipur- 302005 Raj.
4. State Of Raj., Through Pp

----Respondents For Petitioner(s) : Mr. Abhijeet Panchariya through VC For Respondent(s) : Mr. M.A. Siddiqui, GA-cum-AAG JUSTICE DINESH MEHTA Order 08/09/2022

1. The petitioner's sample was drawn on 10.03.2011 and finding that petitioner's product was misbranded, prosecution was launched against the petitioner under the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as "the Act of 1954").

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2. While informing that the Food Safety and Standards Act, 2006 had actually come into force after the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 were published on 01.08.2011, learned counsel for the petitioner submits that the State has decided to withdraw prosecution under the Act of 1954 in a number of cases but the same is being done selectively and not in all cases.

3. Learned counsel submits that the petitioner, resident of Gujarat, is facing the trial in a case, which cannot continue, as the Act of 2006 does not provide prosecution in case of misbranded goods.

4. Issue notice. Issue notice of the stay application also, returnable on 22.09.2022.
5. Notice of UOI be served upon Mr. Mukesh Rajpurohit, learned Assistant Solicitor General and notice of the State be served upon Mr. M.A. Siddiqui, learned Additional Advocate General.
6. Learned counsel for the respondents are granted 10 days' time to completion their instructions.
7. List this case on 22.09.2022.
8. Till then, the petitioner shall be exempted from appearing in Case No. 120/2011 (State of Rajasthan Vs. Manoj & Ors.) pending in the court of Additional Chief Judicial Magistrate No. 1, Udaipur.

(DINESH MEHTA),J 297-Inder/-

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