

# **Rakesh Mishra vs The State Of Madhya Pradesh on 21 June, 2021**

**Author: Vivek Rusia**

**Bench: Vivek Rusia**

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The High Court Of Madhya Pradesh  
SA-651-2021

SA-651-2021

(RAKESH MISHRA AND OTHERS Vs THE STATE OF MADHYA PRADESH) Indore, Dated : 21-06-2021 Heard through Video Conferencing.

Shri Vinayak Balchandani, learned counsel for the appellant. Shri Rakesh Singh Bhadoria, learned Panel Advocate for the State. Office has raised an objection about the maintainability of this appeal. Learned counsel for the appellant submits that before the District Judge the appellants challenged the order dated 15.5.2020 passed in case No.10/2016 by way of appeal and that was registered as MCA 700/2020, therefore, the appellants have rightly filed the second appeal before this Court. Learned counsel is placing reliance over section 71(6) of the Food Safety and Standard Act and according to which any person aggrieved by the decision or order of the Tribunal may file an appeal before the High Court, therefore, he has filed the present second appeal.

In the considered opinion of this Court the aforesaid submission is not acceptable because according to section 71(3) every proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of section 193 & 228 and for the purpose of section 196 of Cr.P.C it shall be deemed to be a civil Court for all purpose of section 195 and chapter 26 of the Cr.P.C. The Tribunal shall be a civil Court only for the purpose of section 195 of the Cr.P.C.

Vide impugned order the appellant has been punished by way of fine of Rs.2 lakhs for violation of section 58 of the Food Safety and Standard Act and the appeal has been dismissed, therefore, these are the criminal proceedings, hence criminal appeal lies.

Office is directed to register this second appeal as criminal appeal. Necessary amendment be carried out by the appellant.

(VIVEK RUSIA) 2 SA-651-2021 JUDGE hk/ Date: 2021.06.21 18:23:22 +05'30'