

Sailesh Venkatesan vs Unknown on 28 February, 2022

Author: Jay Sengupta

Bench: Jay Sengupta

06 28.02.2022
NB

CRR 558 of 2022

Ct. No. 39 In the matter of:- Sailesh Venkatesan

...petitioner

Mr. Sudipta Sarkar,
Mr. S. Basu,,
Mr. S. Prasad.

....for the petitioner.

Learned Senior Counsel appearing on behalf of the petitioner submits as follows. The petitioner is a former director of a company. Without making the company an accused in a case under Sections 269, 270, 272 and 273 read with Section 114 of the Penal Code, the petitioner and some others were arraigned as accused in the present case. By an order dated 10.09.2021 passed by this Court in CRR 1767 of 2021, the impugned proceeding was stayed. The order of stay was extended from time to time. Even during pendency of the stay, a learned Magistrate was pleased to take cognizance of the alleged offences and issue warrant of arrest against the petitioner. By an order dated 29.12.2021, the learned Judicial Magistrate, Alipore, South 24-Parganas expressed his inability to recall an order taking cognizance. However, he did recall the warrant of arrest issued against the petitioner. It is the case of the petitioner that no report in terms of Section 46(2) of the Food Safety and Standards Act, 2006 was filed before the prosecution could be launched. Reliance is also placed on a judgment in M/s. Pepsico India Holdings Pvt. Ltd. & Anr. Vs. State of U.P. & Ors. reported in 2010 SCC Online ALL 1708 and in the case of Girishbhai Dahyabhai Shah Vs. C.C. Jani & Anr. reported in (2009) 15 SCC 64.

The petitioner is directed serve a copy of this application upon the State through the learned Public Prosecutor, within a week and file an affidavit of service to that effect on the next date of hearing.

Let this matter appear as a 'Contested Application' three weeks hence.

The impugned proceeding shall remain stayed for a period of six weeks from this date.

The parties shall be at liberty to pray for extension or modification or vacating of the interim order upon notice to the other side.

The State shall produce the case diary on the next date. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)