

Onkarnath S/O Kamalakant Shukla vs Food Safety Officer Food And Drug ... on 23 December, 2022

Author: G.A. Sanap

Bench: G. A. Sanap

1

5.apl.1646.2022

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.1646 OF 2022
Onkarnath S/o. Kamalakant Shukla
.VS.

Food Safety Officer, Food and Drug Administration, Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr S. A. Mohta, Advocate for the applicant
Mr S. A. Ashirgade, APP for the State

CORAM : G.A. SANAP, J.

DATE : DECEMBER 23, 2022.

Heard learned Advocate for the applicant and learned APP for the State.

2. Learned APP seeks time to file reply. Time is granted. Learned APP shall file reply on or before next date. Learned Advocate for the applicant has taken me through the provisions of Section 38 of the Foods Safety and Standard Act, 2006 and Rule 2.1.3 (4) of the Food Safety and Standard Rules, 2011 and submitted that the sealing of the shop was not required. The act of sealing was illegal inasmuch as, no reasons have been recorded to satisfy the basic requirement of Section 38 of the Foods Safety and Standard Act.

3. At this stage, I am prima facie satisfied with the submissions, therefore there shall be stay to the order passed by the Food Safety Officer in terms of prayer clause (III). The Food 2 5.apl.1646.2022 Safety Officer is present. Through learned APP he submits that he will remove the seal of the shop. The learned Advocate for the applicant submits that the applicant is ready to co-operate Food Safety Officer for further investigation and inspection of the shop. It would be the right of the Food Safety Officer to conduct further investigation and search of the establishments/shop, as provided.

4. Stand over after three weeks.

(G. A. SANAP, J.) Namrata Signed By:NAMRATA YOGESH DHARKAR P. A. High Court Nagpur
Signing Date:23.12.2022 17:31