

Shri Manjunath Shakar Shetty vs The State Of Karnataka on 13 February, 2024

Author: N.S.Sanjay Gowda

Bench: N.S.Sanjay Gowda

-1-

NC: 2024:KHC-D:3445
CRL.P No. 102338 of 2023

IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH

DATED THIS THE 13TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE N.S.SANJAY GOWDA

CRIMINAL PETITION NO.102338 OF 2023

BETWEEN:

SHRI MANJUNATH SHANKAR SHETTY,
AGE. 56 YEARS, OCC. BUSINESS,
R/O. SADASHIVALLI, TARGOD,
TQ. SIRSI, DIST. UTTARA KANNADA,
PIN-581402.

... PETITIONER

(BY SHRI. RAKESH S. HATTIKATAGI, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY FOOD SAFETY OFFICER,
OFFICE OF TALUKA HEALTH OFFICER, SIRSI,
R/BY THE STATE PUBLIC PROSECUTOR,

Digitally

HIGH COURT OF KARNATAKA,

signed by
MANJANNA

MANJANNA E

E

Date:

DHARWAD BENCH.

... RESPONDENT

2024.02.17

10:55:52
+0530

(BY SHRI. P.N. HATTI, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO ALLOW THE PETITION AND QUASH ENTIRE PROCEEDINGS IN CC NO.702/2020 (ARISING OUT OF PRIVATE COMPLAINT NO.115/2020) AT ANNEXURE-A PENDING BEFORE II ADDL. JMFC COURT, SIRSI FOR THE ALLEGED OFFENCE P/U/S 59(i) OF FOOD SAFETY AND STANDARDS ACT, TO MEET THE ENDS OF JUSTICE.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

-2-

NC: 2024:KHC-D:3445
CRL.P No. 102338 of 2023

ORDER

1. This petition is filed challenging the initiation of the criminal proceedings for commission of an alleged offence under Section 59(i) of the Food Safety and Standards Act, 2006 ("the Act" for short).
2. It is the specific contention of the petitioner that the statutory rule requires that the report of the Food Analyst be dispatched within 14 days. The Form-B, which is produced Annexure-D indicates that the sample was received by the designated Officer on 24.07.2019 for analysis and the same was analyzed between 05.08.2019 and 08.08.2019 and thereafter, the report was stated to have been prepared on 08.08.2019 itself.
3. This report though dated 08.08.2019 is stated to have been dispatched on 17.08.2019 and ultimately sent by registered post on 20.08.2019 as per the photocopy of the postal receipt produced by the learned Additional Government Advocate.

NC: 2024:KHC-D:3445

4. It is clear from the above that, the report which has to be dispatched within 14 days i.e., on or before 14.08.2019 was dispatched nearly a week thereafter on 20.08.2019. Since the statutory period for sending the report has not been adhered to, the entire proceedings would stand vitiated.
5. Consequently, the proceedings are quashed. Accordingly, the petition is allowed.

Sd/-

JUDGE EM/CT:BCK