

Gourav Chawla vs Ut Of J&K And Another on 9 August, 2023

Author: Moksha Khajuria Kazmi

Bench: Moksha Khajuria Kazmi

Sr. No. 227
Supp. List-I

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 651/2023
CrlM No. 1276/2023

Gourav Chawla

.... Petitioner/Appellant(s)

Through:- Mr. Varut Kumar Gupta, Advocate.

V/s

UT of J&K and another

.....Respondent(s)

Through:-

CORAM: HON'BLE MRS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE
ORDER

The petitioner has challenged complaint filed by the respondents against him before the court of learned Sub-Judge, Special Mobile Magistrate (Passenger Tax and Shops Act), Jammu, alleging commission of offences under Section 3(1)-(zz)-(xi) and Section 3(1)-(zf) read with Section 52 and Section 59 of the Food Safety and Standards Act, 2006. The petitioner has also challenged the order dated 19.07.2022 by virtue of which the Court below has issued the process and summons against him.

It is contended by learned counsel for the petitioner that the Neera Food Products is a partnership firm and the petitioner along with two other persons were appointed as initial partners in the said partnership firm and one partner namely Raman Chawla was appointed/nominated as In-charge of operations as well as person responsible to partnership firm for compliance of conditions of license.

Learned counsel for the petitioner further submits that, in the complaint, there is no reference to the actual role and part played by the petitioner in the commission of alleged offences and respondent No. 2 has failed to establish extent of liability and role played by the petitioner in terms of Section 66 of the Food Safety and Standards Act in the alleged offences.

On this ground, it is urged that the complaint as against the petitioner is not maintainable. There appears to be merit in the submission made by learned counsel for the petitioner and as such, a case

for grant of interim indulgence is made out.

Issue notice to the respondent. Notice be sent to the respondents through Mr. Eishaan Dadhichi, learned G.A. Learned counsel for the petitioner shall furnish a copy of the petition to Mr. Eishaan Dadhichi, learned G.A, who may file his response by next date of hearing.

Till next date of hearing before the Bench, the proceedings in the impugned complaint as against the petitioner shall remain stayed.

Xerox copy of the trial court record be summoned. List on 29.09.2023.

(Moksha Khajuria Kazmi) Judge Jammu:

09.08.2023 Michal Sharma