

Hukumchand Goyal vs The State Of Madhya Pradesh on 27 November, 2024

Author: Milind Ramesh Phadke

Bench: Milind Ramesh Phadke

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IN THE HIGH COURT OF MADHYA PRADESH
AT G W A L I O R

BEFORE
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE
ON THE 27th OF NOVEMBER, 2024
WRIT PETITION No.6448 of 2014
(HUKUMCHAND GOYAL
Vs
STATE OF MADHYA PRADESH & ORS.)

Appearance:

(BY SHRI SANJAY BAHIRANI - ADOVATE FOR PETITIONER)

(BY SHRI B.M. PATEL - GOVERNMENT ADVOCATE

RESPONDENT/STATE.

ORDER

The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner challenging the legality and validity of the order dated 09.10.2014 whereby by invoking the power of Food Safety Act, 2006, fine amount of Rs.50,000/- has been imposed and in case the fine amount is not deposited within 15 days, then license of the petitioner shall automatically get cancelled.

2. In the instant case, the impugned order has been passed in pursuance to the prosecution launched against the petitioner on the basis of report of Food Analyst dated 05.02.2012.

3. This Court in connected W.P. No.2665/2013, in similar facts and circumstances, has quashed the report of Food Analyst on account of the sample of food was not analysed by the accredited laboratory under Section 43 of the Food Safety and Standards Act, 2006.

4. Consequently, in the present case also, the report dated 15.02.2012 which is foundation for launching prosecution against the petitioner is hereby quashed. Consequently, the impugned order dated 09.10.2014 (Annexure P/1) is hereby quashed.

5. Accordingly, the petition stands allowed and disposed of.

ojha

(MILIND RAMESH PHADKE
JUDGE