

Vijay Kumar Kankariya vs Smt. Jyoti Bhanu on 1 February, 2023

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 230 of 2023

Vijay Kumar Kankariya and others Versus Smt. Jyoti Bhanu and others

1.2.2023 Mr. Rahim Ubwani, Counsel for the petitioners.

Heard.

Issue notice to the respondents on payment of PF within a week by

ordinary mode as well as registered mode, failing which, this petition shall stand dismissed automatically without further reference to the Bench. Notice be made returnable within 6 weeks.

Also heard on IA No.1, an application for grant of stay. Learned counsel for the petitioners submits that the complaint is time barred in view of Section 77 of the Food Safety and Standards Act, 2006. He submits that though in para 26 of the complaint, it has been mentioned that the Commissioner has extended the period up to two years for the prosecution, but in the entire complaint, no such letter has been annexed showing that the Commissioner has extended such period. He further submits that though the Designated Officer has moved an application for extension of period for the prosecution, but in the order dated 18.2.2021, there is no such mention that the period has been extended for 2 years. However, vide the said order, a direction has been given to respondent No.1 - Food Safety Officer to file a complaint case within the limitation and in such endorsement also, there is no mention about extension of the time period.

Issue notice on this application also, as above. Considering the submissions of learned counsel for the parties, purely as an interim measure, it is directed that the criminal proceedings qua the petitioners in Criminal Case No.232/2021 pending before the Judicial Magistrate First Class, Saraipali, District Mahasamund, shall remain stayed till the next date of hearing.

List the matter in the week commencing 27.2.2023. Certified copy as per rules.

Sd/-

(Deepak Kumar Tiwari) Judge Shyna