

# Pravinbhai Vaghabhai Baraiya vs State Of Gujarat on 29 April, 2023

**Author: Ilesh J. Vora**

**Bench: Ilesh J. Vora**

R/SCR.A/4172/2015

ORDER DATED: 29/04/2023

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 4172 of 2015

=====

PRAVINBHAI VAGHABHAI BARAIYA

Versus

STATE OF GUJARAT & 2 other(s)

=====

Appearance:

MR DK MODI(1317) for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2,3

MR LB DABHI, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 29/04/2023

ORAL ORDER

1. This application is directed against the order of Adjudicating Officer, Surendranagar - respondent no.2. At relevant time, the Government did not have formed the Appellate Tribunal as contemplated under Section 70 of Food Safety and Standards Act, 2006. In such circumstances, the applicant herein filed the present application, under Articles 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C.

2. Learned advocate for the applicant fairly states that, during pendency of this application, the Government has notified the Appellate Tribunal. In such circumstances, the applicant herein is relegated to the Appellate Tribunal to file an appeal against the order of Adjudicating Officer, Surendranagar - respondent no.2.

R/SCR.A/4172/2015 ORDER DATED: 29/04/2023

3. The Appellate Tribunal shall not raise technical issue of limitation, as at the relevant time, remedy to file appeal was not available. As and when application for condonation of delay along with appeal is filed, the Appellate Tribunal shall liberally consider the delay aspect and condone the delay and shall decide the appeal in accordance with law.

4. With the above observation, present application stands disposed of accordingly. The applicant is at liberty to file a fresh application, if need so arise.

(ILESH J. VORA,J) TAUSIF SAIYED