

Rahul Gupta vs State Of U.P. And Another on 16 July, 2022

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 64

Case :- APPLICATION U/S 482 No. - 19159 of 2022

Applicant :- Rahul Gupta

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Puneet Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Arvind Kumar Mishra-I,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

By way of the instant application, the applicant has sought quashment of the summoning order dated 23.11.2021 and the proceeding in Case No.987 of 2021 State Vs. Rahul Gupta, under Sections 3(1), (zf), 3(1) (ZZ) (v), 26(2) (v, ii & i) read with Section 52(1), 58, 59 (iii) of Food Safety and Standards Act, 2006, Police Station Maudaha, District Hamirpur, before the Ist-Additional Sessions Judge, Banda.

Learned counsel for the applicant has submitted that the applicant is innocent, he has no nexus with the offence in question. No such offence as alleged in the complaint has been committed by the applicant. There is no material available on record which may connect the applicant with commission of the offence.

Learned A.G.A. has opposed the prayer for quashment of the impugned orders and proceeding.

Upon perusal of the averments made in the accompanying affidavit and upon consideration of document annexed therewith, obviously contentious issue involved in this case is for adjudication

which can be done by the court of first instance where the trial takes place and whatever objection the applicant has against the proceeding of the case, the same can be raised before the court below instead of raising the same before this Court and the court below shall, upon presentation of such application, dispose of the same on its merits. Therefore, prayer for quashment of the charge sheet and the proceeding is refused.

However, taking into consideration the facts and circumstances of the case, it is provided that in case the applicant appears before the court concerned within 30 days from today and moves application for discharge, the same shall be considered and disposed of by the court concerned in accordance with law after affording opportunity of hearing to the parties, expeditiously.

For a period of 30 days from today, no coercive action shall be taken against the applicant.

It is made clear that in the event no such application is moved within the time prescribed above, this order will be of no avail to the applicant.

With the above direction, the instant application under Section 482 Cr.P.C. is finally disposed of.

Order Date :- 16.7.2022 rkg