

Kiritkumar Gordhanbhai Patel, Food ... vs State Of Gujarat on 18 April, 2024

R/CR.MA/5656/2021

ORDER DATED: 18/04/2024

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR LEAVE TO APPEAL) NO. 5656 of
2021

With

R/CRIMINAL APPEAL NO. 889 of 2024

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KIRITKUMAR GORDHANBHAI PATEL, FOOD SAFETY OFFICER, SURAT
MUNICIPAL CORPORATION

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR DEVANG BHATT FOR MR HS MUNSHAW(495) for the Applicant(s) No.

1

MR UTPAL M PANCHAL(1075) for the Respondent(s) No. 2

MS VRUNDA SHAH, ADDL.PUBLIC PROSECUTOR for the Respondent(s)

No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 18/04/2024

ORAL ORDER

ORDER IN R/CRIMINAL MISC.APPLICATION (FOR LEAVE TO APPEAL) NO. 5656 of 2021

1.Learned advocate Mr.Devang Bhatt submits that the judgment and order of acquittal was passed by the learned trial Court mainly on the ground that Rules 2.4.1(8)(13) of the Food Safety and Standards Act, 2006 was not followed by the complainant. Learned advocate Mr.Bhatt submits that as per the evidence of the complainant and the Panch Witness, it NEUTRAL CITATION R/CR.MA/5656/2021 ORDER DATED: 18/04/2024 undefined comes on record that, after taking 40% strength of the preservative i.e. formalin 40-40 drops were added, the sample was taken.

Learned advocate Mr.Bhatt submits that as per Rule 2.4.1(8) nature and quantity of preservative is to be described which was followed by the complainant while giving the evidence before the learned trial Court. Learned advocate Mr.Bhatt submits that as per Rule 2.4.1(13) it is mandatory that nature and quantity of preservative added shall be clearly noted on the label to be fixed to the container.

2.Learned advocate Mr.Bhatt submits that as per the Panch Witness as well as from the evidence of the complainant, it transpires that though all procedures prescribed under the Act was followed, learned trial Court has acquitted the respondent-accused.

3.Considering the submissions, this Court deems NEUTRAL CITATION R/CR.MA/5656/2021 ORDER DATED: 18/04/2024 undefined it fit to allow this application for seeking leave to prefer an appeal. Hence, present application is allowed. Leave to prefer an appeal is granted.

ORDER IN R/CRIMINAL APPEAL NO. 889 of 2024

1.The appeal is admitted. Learned APP Ms.Vrunda Shah waives service of notice of admission on behalf of the respondent-State as well as learned advocate Mr.Utpal Panchal waives service of notice of admission on behalf of the respondent No.2.

2.Record and Proceedings shall be called for. Matter be listed in seriatim.

(M. K. THAKKER,J) M.M.MIRZA