

Neeraj Shastri vs Ut Of J&K And Anr on 10 May, 2023

Author: Sanjay Dhar

Bench: Sanjay Dhar

Sr. No. 111

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 413/2023

Neeraj Shastri

.....Appellant(s)/Petitioner(s)

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Through: Mr. Varut Kr. Gupta, Advocate

vs

UT of J&K and Anr.

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

The petitioner has challenged the complaint filed by the respondents against him, alleging commission of offences under Sections 26[2(i) & (ii)] read with Section 59 (i) and 52 of Food Safety and Standards Act, 2006 as also order dated 18.05.2016, by virtue of which, the Chief Judicial Magistrate, Udhampur has issued process against the petitioner.

It is contended by the learned counsel for the petitioner that the petitioner is not the Proprietor of firm-M/s Dogra Traders and he has been wrongly impleaded as an accused in the impugned complaint. It has been further submitted that cognizance of the offences has been taken by the learned Magistrate against the petitioner beyond the prescribed period of limitation and that the impugned order dated 18.05.2016, whereby the process has been issued against the petitioner is cryptic in nature as the same does not disclose as to what offence has been prima facie made out against the petitioner.

Issue notice to the respondents, subject to petitioner's taking necessary steps within a week's time.

List on 19.07.2023.

In the meanwhile, the proceedings in the impugned complaint before the Chief Judicial Magistrate, Udhampur shall remain stayed.

(SANJAY DHAR) JUDGE Jammu 10.05.2023 Neha