

Varun Gandotra & Anr vs Ut Of J&K on 14 June, 2023

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HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 543/2023

Varun Gandotra & Anr.

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

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Through: Mr. Pawan Gambhir, Advocate.

vs

UT of J&K

..... Respondent(s)

Through: Mr. Bhanu Jasrotia, GA vice
Mr. P D Singh, Dy. AG.

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE.

ORDER

14.06.2023 The petitioners have invoked jurisdiction of this court under section 482 of the Code of Criminal Procedure 1973 for quashment of order dated 24.08.2022 passed by the court of learned Judicial Magistrate 1st Class (Sub Judge), Katra (for short "trial court") in complaint No. 24/Cr (CRIM), under section 26(2) (i) dated 24.08.2022 read with Section 59(i) and 51 of the Food Safety and Standards Act, 2006.

Petitioners have questioned the impugned order primarily on the ground that essential statutory timelines prescribed in the Food Safety and Standards Act, 2006 (FSS Act, for short) are mandatory in nature could not be ignored by the authorities as well as learned trial court. Learned counsel for the petitioner submits that learned trial court has taken cognizance of the offence after the expiry of statutory period of limitation provided in the FSS Act.

A case for interim indulgence is made out. Notice.

Mr. Bhanu Jasrotia, learned GA appearing vice Mr. P D Singh, Dy. AG waives notice on behalf of respondent. He seeks and is granted two weeks' time to file response.

List on 16.08.2023.

In the meantime, proceedings before learned trial court shall stay.

(Rajesh Sekhri) Judge Jammu 14.06.2023 Abinash