

# **M/S Goyal Veg Oils Ltd. vs State Of Uttarakhand on 20 September, 2022**

**Bench: Aniruddha Bose, Vikram Nath**

1

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s)...../2022  
Arising out of SLP(Criminal) No. 11078/2019

M/S GOYAL VEG OILS LTD.

Appellant(s)

VERSUS

STATE OF UTTARAKHAND & ORS.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties. The present appeal arises out of quashing plea of a proceeding under the provisions of Food Safety and Standards Act, 2006 (“2006 Act”), which has been rejected by the High Court of Uttarakhand. The operative portions of the judgment (delivered on 6th November 2019) under appeal records:

“10. Since no evidence was recorded on behalf of the complainant, hence the accused has a right to move an application before the concerned court for discharging the same.

11. In these circumstances, the present application filed under Section 482 Cr.P.C. is finally disposed of with the direction that, in case the applicant moves such an application before the trial court, the trial court will decide the same, as per the law, submission of such an application.” Learned counsel appearing for the appellant submits that the case was started against him on the allegations of commission of offences under Sections 51,59 and 66 of the 2006 Act. Substance of the complaint against the appellant is that the mustard oil, the sample of which was taken from his shop had failed the Bellier Turbidity Temp Test (Acetic Acid Method) and there was presence of Allyl Isothiocyanate in the sample.

Submission on behalf of the appellant is that the aforesaid test of mustard oil is no more a standard procedure and on the date of sampling, there was no prescribed standard for Allyl Isothiocyanate. These questions can always be urged before the Trial Court. In fact the observation of the High Court, which we have quoted above, is to that effect. We do not find any reason to interfere with the order sought to be appealed against. We, however, give liberty to the appellant to apply before the Trial Court for discharge. If any application is made before the Trial Court for discharge, the Trial Court shall consider that question in accordance with law. The earlier observation made by the Trial Court shall not come in the way of examining such application, if made. The present appeal stands disposed of in the above terms. There shall be no orders as to costs.

Pending application(s), if any, shall stand disposed of.

.....J. [ANIRUDDHA BOSE] .....J.  
[VIKRAM NATH] New Delhi.

September 20, 2022.

ITEM NO.4

COURT NO.15

SECTION II-B

S U P R E M E C O U R T O F  
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 11078/2019

(Arising out of impugned final judgment and order dated 06-11-2019 in CRLMA No. 1499/2019 passed by the High Court Of Uttarakhand At Nainital) M/S GOYAL VEG OILS LTD. Petitioner(s) VERSUS STATE OF UTTARAKHAND & ORS. Respondent(s) (FOR ADMISSION and I.R. and IA No.185805/2019-EXEMPTION FROM FILING O.T. and IA No.185807/2019-PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS ) Date : 20-09-2022 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE HON'BLE MR. JUSTICE VIKRAM  
NATH For Petitioner(s) Mr. Rishabh Sancheti, Adv.

Ms. Padma Priya, Adv.

Mr. Anchit Bhandari, Adv.

Mr. Suyash Jain, Adv.

Mr. K. Paari Vendhan, AOR For Respondent(s) Mr. Kuldeep Parihas, DAG Mr.  
Jaswant Singh Rawat, AOR Mr. Vikas Negi, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The present appeal stands disposed of in terms of the signed order.

(JATINDER KAUR)  
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)  
ASSISTANT REGISTRAR

[Signed order is placed on the file]