

Page No.# 1/3 vs The State Of Assam And Anr on 30 October, 2024

Author: Malasri Nandi

Bench: Malasri Nandi

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GAHC010225342024

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CrI.Pet./1308/2024

R. VASUDEVAN AND ANR
S/O RAMACHANDRA IYER,
A RESIDENT OF VIJAYA NAGAR, VELECHERY
CHENNAI, TAMIL NADU-600042.

2: V.N. SHIVA SHANKAR
S/O V.R. NARAYANAN
A RESIDENT OF OLD NO. 5
NEW NO. 9
2ND LINK STREET
CIT COLONY
MYLAPORE CHENAI
TAMAL NADU
INDIA -600004

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE LD. PP, ASSAM

2:FOOD SAFETY OFFICER
(IN THE OFFICE OF THE JOINT DIRECTOR OF HEALTH SERVICES
TINSUKIA
ASSA

Advocate for the Petitioner : MR G KHANDELIA, MR. K DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

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ORDER

30.10.2024 Heard Mr. K. N. Choudhury, learned Sr. counsel assisted by Mr. G. Khandelia, learned counsel for the petitioners. Also heard Mr. B. Sarma, learned Additional Public Prosecutor.

By this application under Section 528 of BNSS, the petitioner has prayed for quashing and setting aside the order dated 07.11.2019 for taking cognizance under Section 26(1), 26(2)(i) of the Food Safety and Standard Act, 2006 and any subsequent order passed by the learned Chief Judicial Magistrate, Tinsukia in CR Case No. 95/2019.

As Mr. Sarma, learned Additional Public Prosecutor has entered appearance on behalf of the State respondent No.1, no formal notice need to be issued. However, a copy of the petition along with the documents annexed thereto be furnished to him.

Issue notice to the respondent No.2 by registered A/D post and usual process, returnable within 4(four) weeks.

It is submitted by learned counsel for the petitioner that on 22.11.2018 when the Food Inspector visited the premises of the company, the petitioner Nos. 1 and 2 were not in service. It is further submitted that the petitioner No.1 resigned from the company on 16.08.2016 and petitioner No.2 had been retired from service on 22.06.2016.

In view of the above, learned senior counsel for the petitioner prayed to stay further proceeding of the case.

Considering the submission of the learned senior counsel, further proceeding of CR Case No. 95/2019 shall remain stayed, till the returnable date.

Call for the scanned copy of trial court record.

Page No.# 3/3 List the matter accordingly after 4(four) weeks.

JUDGE Comparing Assistant