

Jwala Prasad vs State Of U.P. And Another on 18 August, 2021

Author: Vipin Chandra Dixit

Bench: Vipin Chandra Dixit

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 88

Case :- APPLICATION U/S 482 No. - 14757 of 2021

Applicant :- Jwala Prasad

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rajesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vipin Chandra Dixit,J.

Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

This application u/s 482 Cr.P.C. has been filed by the applicant for quashing the entire proceedings as well as N.B.W. dated 21.01.2020 issued in Special Case No. 01 of 2016 (State vs. Jwala Prasad) under section 26(2) (i,v), 58, 59 (iii) of The Food Safety and Standards Act, 2006, P.S. Rath, District Hamirpur.

The contention of counsel for the applicant is that no offence against the applicant is disclosed and the present case has been instituted with a malafide intention for the purposes of harassment. He has also pointed out certain documents in support of his contention.

From the perusal of the material on record and looking into the facts of the case, at this stage it cannot be said that no offence is made out against the applicant. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C.

At this stage, disputed question of fact cannot be considered, therefore, in view of the law laid down by the Hon'ble Apex Court in the cases of R.P. Kapur Vs. State of Punjab, AIR 1960 SC 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cri.) 426, State of Bihar Vs. P.P. Sharma, 1992 SCC (Cri.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another, (Para-10) 2005 SCC (Cri.) 283, the prayer sought as aforesaid is refused.

After arguing the case for quite some time at length, learned counsel for the applicant himself has given up to address the Court on merits of the case and prayed, that the purpose of his client would suffice, if a direction may be given to the courts below to decide the bail application within specific time frame.

However, it is directed, that in case applicant appears and surrenders before the court below within 30 days from today and applies for bail the court below shall consider and decide the bail prayer of applicant expeditiously in accordance with law.

For the period of 30 days or till disposal of bail application, whichever is earlier, no coercive action shall be taken against the applicants in the aforesaid case.

With the above directions, present application is disposed off.

Order Date :- 18.8.2021 Tamang