

**C482/2140/2022 on 13 February, 2023****Author: Alok Kumar Verma****Bench: Alok Kumar Verma**

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	13.02. 2023		C482 No.2140 of 2022 Hon'ble Alok Kumar Verma, J.

s Heard Mr. Aditya Singh, learned counsel for the applicant - accused and Mr. B.S. Thind, learned Brief Holder for the State.

Counter affidavit is taken on record. The present Application has been filed under Section 482 of the Code of Criminal Procedure, 1973 to set aside the summoning order dated 15.10.2022, passed by the Court of Chief Judicial Magistrate, Udham Singh Nagar against the present applicant for the offence under Section 51 and Section 59(i) of the Food Safety and Standards Act, 2006 in Complaint Case No.10362 of 2022, "Asha Arya, Food Safety Inspector, Khatima, Udham Singh Nagar vs. Swati Panwar and Another".

Mr. Aditya Singh, Advocate, submitted that allegations against the applicant is that the Food Safety Officer had purchased four packets of 250 grams each of Kuti Mirch against a receipt dated 25.01.2021, from the factory premises of the applicant. He submitted that the factory premises of the applicant are not used by the applicant for selling in the retail of any un- packed and loose grounded Masala. Only packed grounded Masala is offered by the applicant for sale. The said samples, drawn by the Food Safety Officer, was not for consumption or sale. The inspection, conducted by the Food Safety Officer, was not in conformity with the procedures as prescribed by the said Act, 2006.

Mr. Aditya Singh, Advocate, further submitted that the said samples were initially sent for testing at the State Food and Drug Testing Laboratory at Rudrapur. The said Laboratory is not accredited by the National Accreditation Board for Testing and Calibration Laboratories for testing grounded masala. The said samples were sent to the National Food Lab, Ghaziabad. At that time, the weight of the samples was 410 grams. The said samples were returned. The said samples were re-dispatched after approximately two months to the National Food Lab, Ghaziabad. At that time, the weight of the samples was found to be 445 grams. He further argued that the provisions of Section 42 of the said Act, 2006 were not followed.

Mr. B.S. Thind, learned Brief Holder for the State requested three weeks' time to clarify the weight of the samples.

List this case on 20.03.2023 for final hearing.

Till then, further proceedings of the said Complaint Case No.10362 of 2022 are stayed.

(Alok Kumar Verma, J.) 13.02.2023 Pant/