

Ashish Kumar vs The State Of Jharkhand on 21 December, 2022

Author: Sanjay Kumar Dwivedi

Bench: Sanjay Kumar Dwivedi

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 4525 of 2022

Ashish Kumar
@ Ashish Kumar Modi

Versus

1. The State of Jharkhand
2. Dhaneshwar Prasad Hembram

..... Petitioner

..... Opposite Parties

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Ms Sonal Sodhani, Advocate. For the State : Mrs. Priya Shrestha, Spl.P.P.

02/ 21.12.2022 This petition has been filed for quashing of the entire criminal proceeding including the order dated 12.03.2020, passed by the learned Chief Judicial Magistrate, Dumka, in connection with Complaint Case (OCR) No. 665/2020, by which, cognizance for the offence under Section 3(1)(ZZ)(viii) of Food Safety and Standard Act, has been taken against the petitioner, pending in that court.

Learned counsel appearing for the petitioner submits that Section 3(1)(ZZ)(viii) of Food Safety and Standard Act is a definition section with regard to the said Act. She submits that the penal provision is Section 59 of the said Act.

Learned Spl.P.P., appearing for the State has tried to justify the impugned order passed by the learned court and submits that after looking into the records, the aforesaid order has been passed.

In view of the above, the court has gone through the order dated 12.03.2020 and finds that the cognizance has been taken against the petitioner for the offence under Section 3(1)(ZZ)(viii) of Food Safety and Standard Act, however, the same is the definition with regard to said Act and the penal provision is Section 59 of the said Act.

In that view of the matter, the order dated 12.03.2020, passed by the learned Chief Judicial Magistrate, Dumka, in connection with Complaint Case (OCR) No. 665/2020, by which, cognizance for the offence under Section 3(1)(ZZ)(viii) of Food Safety and Standard Act, has been taken against

the petitioner, pending in that court, is hereby, set aside. The matter is remitted back to the learned court to pass a fresh order in accordance with law.

This petition, is accordingly, disposed of.

(Sanjay Kumar Dwivedi, J.) Amitesh/-