

Page No.# 1/3 vs The State Of Assam And Anr on 14 September, 2021

Author: Rumi Kumari Phukan

Bench: Rumi Kumari Phukan

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GAHC010135022021

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

Case No. : CrI.Pet./449/2021

UJJAL SAHA AND ANR.
S/O SRI UTTAM SAHA, C/O ADANI WILMAR LIMITED, HATIGARH
WAREHOUSE, CHARIGAON MOUZA, DIST-JORHAT, ASSAM, R/O
KAZIRANGA MERCANTILES, MARIANI ROAD, CINNAMARA KATHKHATIA
GAON, KATANI MAUZA, JORHAT, P.O.-DUKLANGIA, P.S.-CINNAMARA,
PIN-785634, ASSAM

2: ASHIS MITRA
S/O SRI S.K. MITRA
C/O ADANI WILMAR LIMITED
HATIGARH WAREHOUSE
CHARIGAON MOUZA
DIST-JORHAT
ASSAM
R/O CHANDITALA LANE
REGENT PARK
P.O.-REGENT PARK
P.S.-REGENT PARK
KOLKAT

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:BIBHUTI BHUSHAN DAS
FOOD SAFETY OFFICER
GOLAGHAT AND JORHAT DISTRICT
ASSAM. REPRESENTED BY THE PUBLIC PROSECUTOR
ASSA

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

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:: BEFORE ::

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

14.09.2021 By way of this petition under Section 482 read with Section 401 CrPC, the petitioners have sought for setting aside of the impugned order dated 16.07.2019 as well as the proceeding pertaining to Complaint Case No.161/2019 under Section 26(2)(i) & 27(2)(c) read with Section 59 of the Food Safety and Standards Act, 2006 pending in the court of the learned Chief Judicial Magistrate, Jorhat on the ground that the present two petitioners were arrayed as accused in the offence report without including the company as an accused, for which the prosecution itself is bad in law.

Heard the learned counsel for the petitioners as well as the learned Addl. Public Prosecutor appearing for the State. Also perused the complaint so filed, wherein it is reflected that the company in question has not been impleaded as a party to the case. The matter needs to be examined.

Let Notice be issued to the respondent no.2 by registered post with A/D and usual process, returnable by 6 weeks and furnish copy to respondent no.1.

List after the returnable date.

Page No.# 3/3 Considering all entirety of the matter, till the returnable date, further proceeding(s) of the aforesaid case in respect of the present two petitioners are hereby stayed.

JUDGE Comparing Assistant