

A.K. Food Product Thru. Its Prop. Anik ... vs State Of U.P. Thru. Commissioner Food ... on 9 June, 2022

Author: Dinesh Kumar Singh

Bench: Dinesh Kumar Singh

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Court No. - 12

Case :- APPLICATION U/S 482 No. - 3934 of 2016

Applicant :- A.K. Food Product Thru. Its Prop. Anik Kumar

Opposite Party :- State Of U.P. Thru. Commissioner Food Safety And Ors.

Counsel for Applicant :- Sudhir Upadhyay, Prashant Srivastava, Rishi Kumar Khare, Suhaib Ah

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel for the petitioner and Sri S.N. Goswami, learned AGA.

2. The present petition under Section 482 Cr.P.C. has been filed seeking quashing of the order dated 5.10.2011 passed by the learned Additional Chief Judicial Magistrate, Economic Offences, Court No.17, Barabanki, by which the learned Magistrate has taken cognizance against the accused, Rajjan Lal, who was the driver of the vehicle and the seller of A.K. Food Products, Kharikhana, Ganeshganj, Hathras under Section 7(ii) read with Section 16(1)(a)(i) of the Prevention of Food Adulteration Act, 1954 in Complaint Case No.2185 of 2011, Police station Haidergarh, District Barabanki and directed the case to be registered and summons be issued against the accused.

3. The only ground urged by the learned counsel for the petitioner is the prevention of Food Adulteration Act has been repealed by the Food Safety and Standards Act, 2006 and the cognizance

has been taken after repeal of the Act.

4. The Food Safety and Standards Act, 2006 has been enforced in the State of Uttar Pradesh w.e.f. 5.8.2011 and under the repeal and saving clause i.e. Section 97(4) of the aforesaid Act, the competent court is barred to take cognizance of an offence under the repealed Act or Orders after the expiry of a period of three years from the date of the commencement of this Act. Thus, the court could cognizance upto 5.8.2014.

5. In the present case, cognizance has been taken vide order dated 5.10.2011 and, therefore, the cognizance has been taken well within the time. Therefore, submission advanced by the learned counsel for the petitioner has no force and thus, this petition is dismissed.

Order Date :- 9.6.2022 Rao/-