

Upendra Yadav vs The State Of Madhya Pradesh on 12 April, 2024

Author: Pranay Verma

Bench: Pranay Verma

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA
ON THE 12 th OF APRIL, 2024
MISC. CRIMINAL CASE No. 13818 of 2024

BETWEEN: -

UPENDRA YADAV S/O SHRI KODAI YADAV, AGED
ABOUT 40 YEARS, OCCUPATION: SERVICE R/O: 101,
INDUSTRIAL AREA, 03, A. B. ROAD, DEWAS (MADHYA
PRADESH)

(BY SHRI VIVEK DALAL - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH FOOD SAFETY
INSPECTOR DISTT. KHARGONE (MADHYA
PRADESH)
2. JAGDISH S/O MR. RAMESHWAR CHAUDHARY
OCCUPATION: PROPRIETOR OF M/S RAJKUMAR
TRADERS BUS STAND, SANAWAD, DISTRICT
KHARGONE (MADHYA PRADESH)

(BY SHRI VISHAL PANWAR - PANEL LAWYER)

This application coming on for admission this day, the
following:

ORDER

By this petition, the petitioner has challenged the order dated 06.03.2024 (Annexure P/1) passed by the Designated Officer under the Food Safety and Standards Act, 2006 whereby his application preferred under Section 46(4) of the Act for sending the preserved sample of the product to a referral lab has been rejected.

02. A perusal of the impugned order shows that the counsel for the petitioner had stated that the application itself be considered to be the final argument upon which just by a sentence the

application has been rejected. No reason whatsoever has been assigned for rejection of the application.

03. The application of the petitioner shows that he had given grounds in detail as to why referral of the preserved sample to the referral lab ought to be made. The grounds were required to be considered and gone into and if the application was to be rejected then reasons thereof were required to be given particularly since the rejection would be subject to scrutiny by the superior forum.

04. The impugned order is a totally non-speaking order and an unreasoned order. The same hence cannot stand scrutiny and is accordingly set aside. The Designated Officer under the Act, 2006 is directed to reconsider and re-decide the application preferred by the petitioner by passing a reasoned and a speaking order before proceedings further in the matter.

05. With the aforesaid directions, the petition stands allowed and disposed off.

06. However, it is made clear that no opinion on merits of the application of the petitioner has been expressed.

(PRANAY VERMA) JUDGE Shilpa