

# State Of Gujarat vs Umeshbhai Dharamsinhbhai Makwana on 10 July, 2021

**Author: Nirzar S. Desai**

**Bench: Nirzar S. Desai**

R/CR.A/1226/2018

ORDER DATED: 10/07/2021

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL APPEAL NO. 1226 of 2018

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STATE OF GUJARAT

Versus

UMESHBHAI DHARAMSINHBHAI MAKWANA & 1 other(s)

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Appearance:

MR.J.K.SHAH APP for the Appellant(s) No. 1

MR DK MODI(1317) for the Opponent(s)/Respondent(s) No. 1,2

MR MD MODI(1318) for the Opponent(s)/Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

LOK ADALAT

Date : 10/07/2021

ORAL ORDER

1. Heard learned Additional Public Prosecutor Mr.J.K.Shah for the appellant - State and Mr.M.D.Modi, learned advocate for the Respondent Nos.1 and 2.

2. Learned Additional Public Prosecutor Mr.Shah has tendered a pursis by way of PDF file of which printout is taken on record. However, learned APP is directed to file original pursis on the file of this Court.

3. As per pursis, the present appeal is in respect of offence committed by the present respondent under the Prevention of Food Adulteration Act, 1954 and the same is not serious in nature and the penalty / punishment prescribed for such offence is not substantial and in view of Sections 51 and 52 of the Food Safety and Standards Act, 2006 such offence is compounding offence as permissible under Section 69 of the Act.

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4. Mr.Modi, learned advocate for the respondents submits that if some suitable cost towards litigation is imposed upon the respondents they are ready and willing to pay the same.

5. In view of the above, present appeal stands disposed of in terms of withdrawal / settlement pursis submitted by learned Additional Public Prosecutor. Respondent Nos.1 and 2 are directed to pay cost of Rs.3,000/- each for which learned advocate Mr.Modi is agreeable towards the cost of litigation and to be paid to the Gujarat High Court Legal Service Committee within a period of four weeks from today. If the said amount of cost is not paid within time prescribed in this order, present appeal shall stand revived.

6. It is clarified that disposal of the present appeal will not affect any connected matters arising out of the same proceedings incidental or any other proceedings filed before this Court or any other courts of law and this order shall not be considered as precedent.

7. With the aforesaid observations and direction, present appeal stands disposed of as withdrawn. Notice is discharged.

(NIRZAR S. DESAI,J) CHAIRPERSON MISHRA AMIT V.