

Arindam Paul vs The State Of Assam And Anr on 4 October, 2023

Page No.# 1/3

GAHC010222252023

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

Case No. : Crl.Pet./1070/2023

ARINDAM PAUL
S/O LATE MRINAL KANTI PAUL
R/O U.N.C. ROAD,
M/S BHARATI STORE,
WARD NO. 5, P.O. AND P.S. DHUBRI
DHUBRI, -783301, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:THE DESIGNATED OFFICER
FOOD SAFETY
DIST. DHUBRI
OFFICE OF THE JOINT DIRECTOR OF HEALTH SERVICES
DHUBRI DISTRICT (FOOD SAFETY BRANCH
PIN-783301
ASSAM

3:THE FOOD SAFETY OFFICER
DISTRICT- DHUBRI
OFFICE OF THE DESIGNATED OFFICER
FOOD SAFETY
DHUBRI
C/O JOINT DIRECTOR OF HEALTH SERVICES
DHUBRI DISTRICT ASSAM
PIN-78330

Advocate for the Petitioner : MS M HAZARIKA

Advocate for the Respondent : PP, ASSAM

Page No.# 2/3

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

04.10.2023 Heard Ms. M. Hazarika, learned Senior Counsel assisted by Mr. A.K. Choudhury, learned counsel for the petitioner and Mr. K.K. Parasar, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 482 of the Cr.P.C., the petitioner has prayed for quashing the proceedings of CR Case No. 135/2022, pending before the learned Addl. CJM, Dhubri under Section 26[2] read with Section 59 of the Food Safety and Standards Act.

3. Ms. Hazarika, learned Senior Counsel for the petitioner submits that in view of the fact that the food item which was seized from the establishment of the petitioner was manufactured by ITC Limited, and further that the sample was analyzed in State Public Health Laboratory, Bamunimadam at Guwahati and the said laboratory is not authorized to analyze the chili powder and therefore, the report submitted by it is not admissible and that being the position the complaint case is not maintainable and therefore, it is contended that further proceedings of CR Case No. 135/2022, pending before the learned Addl. CJM, Dhubri under Section 26[2] read with Section 59 of the Food Safety and Standards Act may be stayed, till disposal of this petition.

4. Perused the petition as well as the documents placed on record.

5. Let notice be issued to the respondent No. 2 and 3, within a week from today, returnable in 4 weeks, by registered post with A/D and also by usual process. As Mr. Parasar has appeared and accepted notice on behalf of the State respondent, no formal notice is required to be issued. However, extra requisite Page No.# 3/3 copy of the petition be furnished to the State respondent during the course of the day.

6. Having heard the submissions of learned counsel for both the parties, it is provided that the further proceedings of CR Case No. 135/2022, pending before the learned Addl. CJM, Dhubri under Section 26[2] read with Section 59 of the Food Safety and Standards Act, stands stayed, till returnable date.

7. List the matter after 4 [four] weeks.

JUDGE Comparing Assistant