

Pankaj Kumar vs The State Of Bihar on 2 January, 2024

Author: Satyavrat Verma

Bench: Satyavrat Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7403 of 2018

Arising Out of PS. Case No.-261 Year-2011 Thana- BODHGAYA District

=====

Pankaj Kumar, S/o Muneshwar Prasad, R/o Village- Janpur Bodh Gaya , P.S. Bodh Gaya, District- Gaya.

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Jharkhandi Upadhyay- A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 02-01-2024

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The learned counsel for the petitioner submits that the present quashing application has been filed seeking quashing of the order dated 12.08.2016 passed by the learned Chief Judicial Magistrate, Gaya in Bodhgaya P. S. Case No.261 of 2011, whereby cognizance of offence under Sections 379 and 201 of the I.P.C. read with Section 31 of the Food Safety and Standard Act, 2006 has been taken.

3. The learned counsel for the petitioner next submits that in the nature of allegation as alleged in the F.I.R., it would manifest that no offence under the Food Safety and Standard Act, 2006 is made out, nor any offence under Sections 379 and 201 of the I.P.C. is made out. The learned counsel next relies on Patna High Court CR. MISC. No.7403 of 2018(2) dt.02-01-2024 Section 52 of the Food Safety and Standard Act, 2006 to submit that allegation was of mis-branding and the competent authority on adjudication imposed a fine of Rs.25,000/- on the petitioner which he deposited, as such, no criminal offence is made out.

4. The learned Additional P. P. submits that cognizance has also been taken under Sections 379 and 201 of the I.P.C. It is further submitted that it appears that petitioner was carrying on with his business without a valid license. It is next submitted that if what has been submitted by the learned

counsel for the petitioner is true, in that event, the petitioner can raise all the issues at the time of framing of charge.

5. Considering the submission made by the learned Additional P. P. for the State, the Court is not inclined to entertain the present quashing application.

6. Accordingly, the quashing application is rejected.

7. However, the same would not denude the petitioner of raising all issues at the time of framing of charge.

(Satyavrat Verma, J) vikash/-

U

T