

Mansukhbhai Govabhai Madhvi vs State Of Gujarat on 29 April, 2023

Author: Ilesh J. Vora

Bench: Ilesh J. Vora

R/SCR.A/4329/2015

ORDER DATED: 29/04/2023

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 4329 of 2015

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MANSUKHBHAI GOVABHAI MADHVI

Versus

STATE OF GUJARAT & 2 other(s)

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Appearance:

ADVOCATE NOTICE SERVED for the Applicant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2,3

MR LB DABHI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 29/04/2023

ORAL ORDER

1. This application is directed against the order of Adjudicating Officer, Surendranagar - respondent no.2. At relevant time, the Government did not have formed the Appellate Tribunal as contemplated under Section 70 of Food Safety and Standards Act, 2006. In such circumstances, the applicant herein filed the present application, under Articles 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C.

2. It appears that, during pendency of this application, the Government has notified the Appellate Tribunal. In such circumstances, the applicant herein is relegated to the Appellate Tribunal to file an appeal against the order of Adjudicating Officer, Surendranagar - respondent no.2.

3. The Appellate Tribunal shall not raise technical issue of R/SCR.A/4329/2015 ORDER DATED: 29/04/2023 limitation, as at the relevant time, remedy to file appeal was not available. As and when application for condonation of delay along with appeal is filed, the Appellate Tribunal shall liberally consider the delay aspect and condone the delay and shall decide the appeal in accordance with law.

4. With the above observation, present application stands disposed of accordingly. The applicant is at liberty to file a fresh application, if need so arise.

(ILESH J. VORA,J) TAUSIF SAIYED