

N. Binu vs State Of Kerala on 9 October, 2024

Author: P.V.Kunhikrishnan

Bench: P.V.Kunhikrishnan

Crl.M.C. No.2515 of 2018

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2024:KER:75100

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 9TH DAY OF OCTOBER 2024 / 17TH ASWINA, 1946

CRL.MC NO. 2515 OF 2018

AGAINST THE ORDER/JUDGMENT DATED IN CC NO.777 OF

2015 OF SPECIAL COURT OF JUDICIAL MAGISTRATE OF FIRST

CLASS FOR TRIAL OF CASES U/S.138 NI ACT(JMFC XI),

THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

N. BINU
S/O NADESAN, FOOD BUSINESS OPERATOR &
LICENSE, NADESH BAKERS,T.C 5/570,571,
PEROORKADA P.O,THIRUVANANTHAPURAM, RESIDING
AT NADESH BUNGLOW, PEROORKADA P.O
THIRUVANANTHAPURAM.

BY ADVS.
SRI.SHAJIN S.HAMEED
SMT.A.R.SUSMITHA

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY THE FOOD SAFETY OFFICER,
MOBILE VIGILANCE SQUAD, OFFICE OF THE
ASSISTANT COMMISSIONER (INTELLIGENCE), THYCAUD,
Crl.M.C. No.2515 of 2018

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NEAR FOOD SAFETY COMMISSIONER,
THIRUVANANTHAPURAM, REPRESENTED THROUGH THE
PUBLIC PROSECUTOR, THIRUVANANTHAPURAM.

BY ADV.:

SRI.RENJITH.T.R, SR.PP

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY
HEARD ON 09.10.2024, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

Crl.M.C. No.2515 of 2018

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P.V.KUNHIKRISHNAN, J.

Crl.M.C. No.2515 of 2018

Dated this the 09th day of October, 2024

ORDER

This Criminal Miscellaneous Case is filed to quash Annexure-A complaint.

2. The above complaint is filed by the Food Safety Officer against the petitioner under Section 3(i) (zz), (vii) of FSSA Act 2006, S.26(2)(i), S.59(i) of Food Safety and Standard Act, 2006, FSS Rule 2011 and r/w Regulations 2.12 and Regulation 3.1.2(7) of Food Safety and Standards (Food Products Standards and Food Additives) Regulations 2011.

3. Several contentions are raised in the Criminal Miscellaneous Case. After arguing for sometime, the learned counsel for the petitioner submitted that, the 2024:KER:75100 petitioner may be allowed to raise all these contentions before the trial court, at the appropriate stage. The counsel also submitted that the petitioner may be exempted from personal appearance. I think, that prayer can be allowed.

Therefore, this Criminal Miscellaneous Case is disposed of with the following directions:

1. All the contentions raised by the petitioner in this CrI.MC are left open.
2. The petitioner is free to file an application for exemption from personal appearance before the trial court, within a period of 30 days and if, such an application is filed, the learned Magistrate will allow the same on condition that the petitioner will appear on posting days on which his presence is inevitable.

Sd/-

nvj

P.V.KUNHIKRISHNAN
JUDGE

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PETITIONER ANNEXURES

ANNEXURE A

CERTIFIED COPY OF THE COMPLAINT FILED
BY THE FOOD SAFETY OFFICER.

RESPONDENTS EXHIBITS : NIL

//TRUE COPY//

PA TO JUDGE