

G.Anandan vs V.Suresh on 8 September, 2022

Author: G.Jayachandran

Bench: G.Jayachandran

Crl.O.P.No.
and Crl.M.P.No.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2022

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10298 of 2019
and
Crl.M.P.No.5338 of 2019

G.Anandan

.. Peti

Vs.

V.Suresh,
Food Safety Officer,
Code No.599, Vellore Corporation-III,
O/o.Tamil Nadu Food Safety and
Drugs Administrative Department,
Vellore District.
No.3, Town Hall Complex,
Anna Salai, Vellore-632 004.

..Respo

PRAYER : Criminal Original Petition has been filed under section 48 of Criminal Procedure Code to call for the records and quash the proceedings in S.T.C.No.152 of 2017 on the file of the learned Judicial Magistrate No.I, Vellore.

For Petitioner : No appearance
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Sid

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<https://www.mhc.tn.gov.in/judis>

Crl.O.P.No.
and Crl.M.P.No.

ORDER

There is no representation for the petitioner.

2. This Criminal Original Petition is filed to quash the S.T.C.No.152 of 2017 on the file of the learned Judicial Magistrate No.I, Vellore, for the offence under Sections 190(1)A and 59(1) of Food Safety and Standards Act, 2006.

3. According to the complaint filed by the Food Safety Officer on 04.08.2015 at about 4.00 p.m., to inspect Sri Bagavathi Water Plant and found that the “Honey Drops Packaged Drinking Water” meant for sale for the public is not safe for human consumption. Hence sample was drawn in the presence of the witnesses and sent for laboratory. The report received from the Forensic lab indicates that the sample drawn from the water meant for public sale, contained Coliform and Aerobic Microbial count of 148cfu/ml exceeding the maximum limit 20cfu/ml.

Hence the prosecution.

<https://www.mhc.tn.gov.in/judis>

4. The petitioner contending that the limitation to file a complaint under the Food Safety and Standards Act is one year. Whereas, the inspection was conducted on 14.08.2015 report from the lab received on 21.08.2015 whereas the private complaint was laid only on 17.04.2017 after two years. Therefore, the cognizance taken by the Magistrate is bad in law.

5. Section 77 of Food Safety and Standards Act, 2006 reads as below:

“77. Time limit for prosecution:- Notwithstanding anything contained in this Act, no Court shall take cognizance of an offence under this Act after the expiry of the period of one year from the date of commission of an offence:

Provided that the Commissioner of Food Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of upto three years.” From the said provisions it is clear that, though the limitation to file a <https://www.mhc.tn.gov.in/judis> complaint is prescribed as one year from the date of commission of an offence, the proviso to the Section indicates that the Commissioner of Food Safety may, for reasons to be recorded in writing, approve prosecution within an extended period of upto three years. Paragraph 18 of the complaint explains the approval of the Commissioner of Food Safety to file the complaint on 18.11.2016 and paragraph 20 explicitly states that the Commissioner has granted extension of time to file the complaint.

6. In the said circumstances, this Court finds no merit in this Criminal Original Petition to quash the proceedings in S.T.C.No.152 of 2017 on the file of the learned Judicial Magistrate No.I, Vellore and

the same is dismissed. Consequently, the connected Criminal Miscellaneous Petition is closed.

o8.09.2022 Internet : Yes/No Index: Yes/No rpl <https://www.mhc.tn.gov.in/judis> To

1.V.Suresh, Food Safety Officer, Code No.599, Vellore Corporation-III, O/o.Tamil Nadu Food Safety and Drugs Administrative Department, Vellore District.

No.3, Town Hall Complex, Anna Salai, Vellore-632 004.

2.The Public Prosecutor, High Court of Madras, Chennai-104.

<https://www.mhc.tn.gov.in/judis> Dr.G.JAYACHANDRAN, J.

rpl and o8.09.2022 <https://www.mhc.tn.gov.in/judis>