

# **S. D. Mevada And Anr vs Ut Through Food Safety Officer Block ... on 21 April, 2022**

**Author: Sanjay Dhar**

**Bench: Sanjay Dhar**

S. No. 36  
Before Notice Matters

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT SRINAGAR

CrLM No. 400/2022  
In CRM(M) No. 116/2022  
CrLM No. 401/2022

S. D. Mevada and anr. ....Petitioner(s)

Through: Mr. Mir Riyaz Ahmad, Adv.

V/s

UT through Food Safety officer Block Shopian .. Respondent(s)

Through:

CORAM:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER

21.04.2022 CrLM No. 400/2022:

For the reasons stated in the application, same is allowed and the requirement of filing certified copy order dated 07.10.2021 for the time being is dispensed with. However, the petitioner shall file the same as and when the same becomes available to him.

CrLM disposed of.

CRM(M) No. 116/2022:

The petitioners have challenged the complaint filed by the respondent against them before the Chief Judicial Magistrate, Shopian, alleging commission of offences under Section 59 of Food Safety and Standards Act, 2006. The petitioners have also challenged the the order dated 07.10.2021 passed by the learned Chief Judicial Magistrate on the basis of the impugned complaint, whereby process has been issued against the petitioners.

Page | 2 One of the grounds urged by the petitioners is that the Designated Officer without recording any reasons in terms of Rule 2.4.3 of the Food Safety and Standard Rules, 2011 has after receiving the report of the food analyst, declaring the sample as of standard quality, referred the said sample for further analysis. It is the contention of the learned counsel for the petitioners that recording of reasons is mandatory and without doing so, the prosecution against the petitioners is vitiated.

Having heard learned counsel for the petitioners and having perused the material on record, a case for grant of interim indulgence is made out.

Issue notice to the respondent. Notice be sent to the respondent through process serving agency of the District Court, Shopian.

Till next date of hearing before the Bench, the proceedings in the impugned complaint shall remain stayed.

List on 27.05.2022.

(Sanjay Dhar) Judge SRINAGAR 21.04.2022 "Aasif"