

Manish Kumar Gupta vs The State Of Jharkhand Opposite ... on 6 December, 2023

Author: Sanjay Kumar Dwivedi

Bench: Sanjay Kumar Dwivedi

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IN THE HIGH COURT OF JHARKHAND, RANCHI

Cr.M.P. No. 2906 of 2013

Manish Kumar Gupta

-- Versus --

.... Petitioner

The State of Jharkhand

.... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. A.K. Kashyap, Senior Advocate Mr. Anurag Kashyap, Advocate Ms. Juhi Kumari, Advocate For the State :- Mr. Fahad Allam, Advocate

9/06.12.2023 Heard Mr. A. K. Kashyap, the learned Senior counsel appearing on behalf of the petitioner and Mr. Fahad Allam, the learned counsel for the respondent State.

2. This petition has been filed for quashing of the entire criminal proceeding including the order taking cognizance dated 02.08.2013 in connection with C.G.Case No.4 of 2013, pending in the court of learned Chief Judicial Magistrate, Latehar.

3. Mr. Kashyap, the learned Senior counsel appearing on behalf of the petitioner submits that the allegations are made that in the laddu which was the seized sample was said to be coloured with non- permitted item. He submits that the sample was collected on 20.02.2013, analyst report was received on 06.03.2013 and the complaint case was lodged on 26.07.2013. He further submits that the order taking cognizance is not in accordance with law. He submits that the cognizance has been taken under section 3(zz) of Food Safety and Standards Act, 2006 and the learned court has further taken cognizance under section 59(ii) of the Food Safety and Standards Act, 2006.

4. The learned counsel for the respondent State submits that the sample was found to be adulterated and submits that the complaint case has been filed.

5. The analyst report suggest and the only allegation is made that the colour used in preparing the said laddu was not permissible and apart from that, there is no allegation. Section 59(ii) of the said Act speaks of grievous injury and that is not a case here and further section 3(zz) of the said Act is definition section and cognizance has been taken under these sections and the word 'cognizance' is filled in blank space which suggest that there is non-application of judicial mind.

6. Accordingly, entire criminal proceeding including the order taking cognizance dated 02.08.2013 in connection with C.G.Case No.4 of 2013, pending in the court of learned Chief Judicial Magistrate, Latehar is quashed.

7. This petition is allowed and disposed of.

8. Pending petition if any also stands disposed of accordingly.

(Sanjay Kumar Dwivedi, J.) SI/,