

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 1908/2018

1. Sheetla Prasad Verma S/o Shri Late Shripal Verma aged about 50 years, caste Patel, Village and Post Barosa Tehsil Sultanpur District Sultanpur, U.P. Presently E-520, Bhawana Estate Opposite Kamayni Hospital Agra, U.P., Production Manager M/s Bhole Baba Milk Food Industries (Dholpur) Private Limited G 50-57 And F 58-65, Riico Industrial Area, Growth Center, Dholpur, Raj.
2. Prahlad Singh S/o Ram Rekha Singh, R/o Village Khanan Post Vijay Kanf District Kushinagar, (Utter Pradesh) Assistant Manager Quality Assurance and P.F.A. Nominee Bhole Baba Milk Food Industries, Dholpur, Raj.

-----Petitioners

Versus

1. State Of Rajasthan Through Pp.
2. Food Inspector Dholpur, Office Chief Medical and Health Officer Dholpur, District Dholpur, Raj.

-----Respondents

For Petitioner(s)	:	Mr. Jitendra Bajaj & Mr. Srinath Kishor Gupta
For Respondent(s)	:	Mr. R.S. Shekhawat, PP

HON'BLE MR. JUSTICE G R MOOLCHANDANI

Order

16/11/2018

Learned counsel for the petitioner contends that the petitioner was wrongfully prosecuted for the alleged violation of the PFA Rules and is in the corridors of Court since last 12 years, the alleged offence is petty in nature, Food Safety and Standards Authority of India had issued a directive that matters pertaining to

erstwhile PF Act, offences petty in nature, were to be withdrawn but because of vested interests, the powers and directives mandated are being kept in abeyance and several individuals are being harassed by keeping the matters lingering for years together, learned counsel has produced copy of directive/ circular, F. No. P. 15017/84/2015-FSSAI/Legal issued by Food Safety and Standards Authority of India dated 02.08.2016 has been produced in support of contentions.

In compliance of court order dated 22.10.2018, Food Inspector Shri Giriraj Sharma is present and submits that petitioner had violated the rules framed under the PF Act but Food Inspector, who had filed complaint and challaned the petitioner, has since superannuated, so he is not in a position to apprise factual antecedents, it is also informed by Shri Giriraj Sharma that he is not aware as to why the Government/authority's directives are not being put to execution and prosecution of trifle matters has not been withdrawn.

Considering the aforesaid, it appears just to summon/call concerned authority with whom powers vest to withdraw, as per say of Food Inspector Shri Giriraj Sharma, the Commissioner Food Safety-cum-Director Public Health Shri Virendra Kumar Mathur is directed to be present in the Court positively on next date to explain veracity, till then proceedings in respect of case No.407/2010 captioning State of Rajasthan Vs. Sheetla Prasad Verma & others, sub-judice before the Court of ACJM, Dholpur, shall remain stayed.

Let a copy of order be handed over to learned Public Prosecutor under the seal and signature of Court Master for necessary information and compliance.

List on 15.12.2018.

(G R MOOLCHANDANI),J

TN-JKP/79

RAJASTHAN HIGH COURT



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