

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7424/2025

1. M/s C. G Foods India Private Limited, Plot No. 4, Green-tech Mega Food Park Complex Mega Food Park Complex Rupangarh Ajmer.
2. Sanjay Kumar Sarki Son Of Shri Chandra Bahadur Sarki, League 1 Near Shiv Mandir, Awas Vikas, Rudrapur, Kichha, Udyam Singh Nagar, Uttarakhand, Nominee And Director, Cg Foods India Pvt. Ltd., Plot No. 4, Greentech Mega Food Park Complex, Rupangarh, Ajmer.
3. Lovelesh Sharma Son Of Shri Gyan Chand Sharma, (Salesman And Operation Manager), M/s Cg Foods India Pvt. Ltd. Plot No. 4 Greentech Mega Food Park Complex Rupangarh Ajmer, Resident Of Village Dayara Tehsil Hatwad District Bilaspur Himachal Pradesh.

----Petitioners

Versus

1. State Of Rajasthan, Through PP
2. State Of Rajasthan, Through Sh. Sushil Kumar Chotwani, Food Safety Officer, Ajmer, Office Of Chief Medical And Health Services, Jaipur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Mayank Gupta Mr. Vaibhav Gupta
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

18/03/2026

1. The learned counsel for the petitioners submits that the petitioners are manufacturers of food articles, and their premises were inspected on 01.02.2022. It is further submitted that on the following day, a sample was collected and sent to the Public Health Laboratory for report of the food analyst. The report of the food

analyst in respect of the said sample was prepared on 15.02.2022. Counsel contends that under Section 42(3) of the Food Safety and Standards Act, 2006, the Designated Officer is required to forward his recommendation to the Commissioner of Food Safety for sanction of prosecution within 14 days from the date of receipt/preparation of the report. However, in the present case, this mandatory requirement was not complied with. It is submitted that the recommendation was forwarded only on 16.11.2022. Subsequently, sanction was granted on 18.11.2022, and the complaint was filed on 25.11.2022 before the learned trial Magistrate. Cognizance of the offence was eventually taken on 04.04.2023. Counsel argues that, in view of Section 514 of the BNSS (corresponding to Section 468 of the Cr.P.C.), the period of limitation for taking cognizance had already expired by the time the learned Magistrate took cognizance. It is, thus, contended that the prosecution is barred by limitation. It is further submitted that the learned trial Court failed to consider the mandatory statutory requirements and the material lapse on the part of the prosecution, which vitiates the entire proceedings.

2. In view of above, issue notice to the respondents.
3. Learned State Counsel accepts notice on behalf of respondent Nok.1-State. Copy of this petition has already been supplied in the office of learned State Counsel.
4. Let notice be issued to respondent No.2, through both the processes, returnable by next date of hearing. Requisites be filed within a period of two weeks, failing which, this petition shall

stand dismissed automatically without any further reference to the Bench.

5. If requisites are filed within given time, list this case after eight weeks.

6. Meanwhile, learned State Counsel may file reply to the petition.

7. Till then, further proceedings pending before the learned Special Additional Chief Metropolitan Magistrate (PCPNDT Act Cases), Ajmer in complaint No.5718/2023 shall remain stayed.

(ANIL KUMAR UPMAN),J