

(2010) 02 P&H CK 0166

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 12288-M of 2008

Sanjay Gupta

APPELLANT

Vs

Food Inspector Railways and another

RESPONDENT

Date of Decision : 17-02-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Prevention of Food Adulteration Act, 1954 — Section 16, 7

Citation : (2011) 5 RCR(Criminal) 609

Hon'ble Judges : Ajai Lamba, J

Advocate : Mr.R.Kartikeya, Advocate., Advocates for appearing Parties

Judgement

Ajai Lamba, J. (Oral)

This petition under Section 482, Code of Criminal Procedure, has been filed for quashing of Criminal Complaint under Sections 7/16 of the Prevention of Food Adulteration Act, 1954 titled "Food Inspector Railways, Northern Railways, Ferozepur Cantt. v. Sh. Tejesvi Kumar and others" (Annexure P3), pending before the Additional Chief Judicial Magistrate, Ferozepur.

It has been pleaded on behalf of the petitioner that the sample of Parle Bailey Aqua Packed Drinking Water, on account of which the complaint was filed, was drawn on 26.12.2002. The petitioner joined the concern on 24.11.2004 and resigned from service on 13.9.2007. Under the circumstances, it has been contended that the petitioner could not be Criminal Misc. No. 12288 M of 2008 2 connected with the incident and has been dragged to face trial for no good reasons.

It transpires that evidence is going on and the trial court is seized of the matter.

This petition is disposed of with liberty to the petitioner to bring all these facts to the notice of the trial court, which shall adjudicate on the issue, after considering as to whether the petitioner was incharge of the affairs of the company and could, at all, be prosecuted for an offence that was committed in December,

2002.

Personal appearance of the petitioner shall remain exempted on the conditions to be imposed by the trial court.

Petition disposed of with liberty to petitioner.