



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2864/2012

1. Jugal Kishore Mehta S/o Raman Lal, aged 51 years, R/o Goydanipada, Jaisalmer-owner of Jugal Store, Kuchhari Road, Jaisalmer. (Dealer firm owner)
2. V Raghunathan S/o late PVV Iyengar, R/o Logistic Executive of Parle Biscuits (P) Ltd, Righi Siddhi Logistics, GS Industries, near Duneck Motors, Gajener Road, Bikaner
3. Gajanan V Yadav S/o Vijaykumar Yadav, aged 60 yrs, R/o 57 Tare House, near Sonapur Lane, Worli Village, Mumbai 400025, Manager cum Nominee of Parle Biscuits Pvt Ltd. No. SP-2-4 RIICO Ind Area, Neemrana Alwar 301705.
4. Parle Biscuits Pvt Ltd. No. SP-2-4 RIICO Ind Area, Neemrana Alwar 301705 through Mr. Dharmendra Yadav S/o Bhoop Singh Yadav, aged 38 years, Asst. Manager-Quality Control.

----Petitioner

Versus

State of Rajasthan through Rewat Singh, Food Inspector, office of Chief Medical & Health Officer, Jaisalmer.

----Respondent

Connected With

S.B. Criminal Misc(Pet.) No. 2726/2011

V. Raghunathan S/o Late Shri PVV Iyengar, R/o Logistic Executive of Parle Biscuits (P) Ltd, Chabra Enterprises, Behind Tata Kargo Motors, NH-8, Ajmer By pass, Sendria, District Ajmer

----Petitioner

Versus

State of Rajasthan through Vijaykant Gautam, Food Inspector, office of Joint Director, Medical & Health Services, Jodhpur Zone, Jodhpur

----Respondent

For Petitioner(s) : Nishant Bora

For Respondent(s) : Mr. Vikram Rajpurohti, Dy.G.A.

HON'BLE MR. JUSTICE FARJAND ALI



24/01/2025

1. An inspection was made by the Food Inspector on 01.02.2011 and the proceedings were undertaken under the repealed act, i.e. Prevention of Food Adulteration Act. The Food Safety and Standards Act, 2006 came into force and notified on 24.08.2006. As per Section 1 of the Food Safety and Standards Act, 2006 the Act came into force on such date as the Central Government may, by notification in the Official Gazette appoint and as the notification was published on 24.08.2006, thus, there is no dispute regarding the Act above having force on 01.02.2011. As such, Prevention of Food Adulteration Act, 1954, was not in existence when the proceedings were undertaken by the Food Inspector. The offence alleged in the complaint are under Section 7/16 of the PF Act and the cognizance of the offence also was taken by the learned Judicial Magistrate vide order dated 08.08.2011 under Section 7/16 of the PF Act.

2. Even learned Judicial Magistrate did not bother to see whether the order he was passing under a particular statute was in force or not. Section 97 of the Food Safety and Standards Act, 2006 saves only the circumstance where proceedings were pending and in that situation the cognizance was permitted to be taken within 3 years of the date of commencement of Act of 2006.

3. Ex facie the entire proceeding and taking cognizance is made beyond the jurisdiction and against the statutory provision. As per Section 97(1) and the schedule appended to it, the Prevention of Food Adulteration Act got repealed on the date 27.07.2010 from the day the central government specified and the Act has been



repealed from the fact 29.07.2010 vide notification in Extraordinary Gazette of India.

4. Thus, the petition succeeds as this Court cannot permit continuation of a judicial proceeding having no sanction of law.

5. Accordingly, the miscellaneous petition is allowed and the entire proceedings in Case No.256/2011 pending before the learned CJM, Jaisalmer for the offence under Section 7/16 of the PFA Act are hereby quashed and set aside. The petitioner is discharged from the charge. His bail bonds are cancelled.

(FARJAND ALI),J

1-chhavi/-